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## THE FORGOTTEN VICTIMS OF CLIMATE CHANGE: A CALL FOR LEGAL RECOGNITION

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### **ABSTRACT:**

Climate change has emerged as one of the most powerful drivers of forced displacement, threatening not only the humidity but also creating several critical legal challenges in the 21st century. Extreme weather events, rising sea levels, drought, and ecological collapse are forcing millions of people to leave their homes. Since 2013, more than 376 million people have been displaced by climate-related disasters, and it is projected that over one billion individuals could face displacement by 2050. However, international law has yet to grant the status of “climate refugees” to these people. The 1951 Refugee Convention and its 1967 Protocol focus exclusively on the political and social ground forms of persecution, thereby ignoring those migrants who are forced by “climate”. The judicial decisions such as *Teitiota v. New Zealand* reveal the limitation of existing framework, while the cases in India, like *Olga Tellis v. Bombay Municipal Corporation* case, and the *Subhash Kumar v. State of Bihar* case, illustrate the inadequacy of the current approach, while proving a constitutional right of indirect protection by linking right to the livelihood and environment to the Article 21 of constitution of India (right to life)<sup>1</sup>. This article stated that the exclusion of climate refugees reflects the structure of an inequality in global governance in which and marginalised community, which is least responsible for greenhouse gas emissions, bears the heaviest burdens out of it. At exams, the Domino's at climate stressors such as climate diseases and wrote, which eventually triggered out the migration, poverty, and conflict, showing how climate displacement transcends humanitarian concerns to pose geopolitical threats.<sup>2</sup> The article calls for reform on the linking of climate finance with migration policy, along with regional collaboration and the expansion of existing refugee law, and the creation of a new treaty for the UN on climate migration. The acknowledgment of climate refugees is a legal obligation, but more so a moral obligation to

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<sup>1</sup> Europarl, [The concept of 'climate refugee'](#) (last visited on September 10, 2025).

<sup>2</sup> Vaishnavah Sookrajh, Ecological Threat Register Press Release 27.08 Final, Scribd, (September 10, 2025, 8:00 P.M.) [Ecological Threat Register Press Release 27.08 FINAL | PDF | Natural Disasters | Food Security](#)

protect the dignity of people, distributive justice, and the ethos of shared responsibility in a stricken moral world.

### **The Forgotten Victims of Climate Change: A Call for Legal Recognition**

Climate change is no longer solely an environmental issue; it has taken the form of an aggressive volcano, which is ready to engulf the entire human civilization in its clutches. Recent statistics published by the Internal Displacement Monitoring Center<sup>3</sup> Stated that over 376 million people around the world were forced to be displaced due to extreme climatic conditions since 2008, with the record 32.6 million in 2022 alone. Since 2020, the situation has become more draconian, with the annual increase of 41% on average compared with the previous decade. Sea level rise, drought, extreme weather events, and water scarcity pose serious threats to the entire human race. The Ecosystem Threat Register (ETR),<sup>4</sup> released to the Institute for Economics and Peace, stated that by 2050, more than one billion people are at risk of being displaced due to ecological threats and climate change. Especially the countries in Sub-Saharan Africa, South Asia, the Middle East, and North Africa are the regions at highest risk. It is estimated that around 5.4 billion people, more than the world's projected population, will be experiencing extreme water stress, including countries like India and China, and around 3.5 billion people could become the victims of food insecurity and malnutrition. The victims of these hazardous changes are commonly referred to as "Climate Refugees". In 1976, Lester Brown first introduced the term "environmental refugees" which was first articulated in 1985 by Essam El-Hinnawi, a UN Environment Programme (UNEP) expert.<sup>5</sup> These are the individuals who are compelled to leave their homes or places of origin due to climate-related incidents. However, this terminology is legally inaccurate; under international law, there is no recognition for the person who is displaced by climatic causes. This legal lacuna raises critical questions. Can the current refugee laws keep up with the new challenges? Should we create a new system? Or will millions of people who have been forced to leave their homes remain to live in legal invisibility? This article tries to answer these questions by looking at how climate change and the refugee crisis are interlinked. How refugee rights have developed over time,

<sup>3</sup> Internal Displacement Monitoring Centre, <https://www.internal-displacement.org/global-report/grid2023/> (last visited on September 10, 2025).

<sup>4</sup> Institute for Economics & Peace, <https://www.economicsandpeace.org/wp-content/uploads/2023/12/ETR-2023-web.pdf> (last visited on September 10, 2025).

<sup>5</sup> Climate Migration and Displacement: Challenges and Responses, [https://www.icwa.in/show\\_content.php?lang=1&level=1&ls\\_id=10542&lid=6710](https://www.icwa.in/show_content.php?lang=1&level=1&ls_id=10542&lid=6710) (last visited on September 10, 2025).



pointing out the weaknesses in the existing laws and suggesting changes that could lead to a fairer system. Climate migration is usually not caused by a single factor; it is often the result of a chain of interconnected risks creating a domino effect. <sup>6</sup>As Amar Rahman, Global Head of Climate & Sustainability, says, "Society is judged by how it treats its most vulnerable." For example, when temperatures rise, it leads to less water availability and poor water quality. This can cause a wide range of diseases to spread more easily, make droughts worse, and lead to failed crops. These things then lead to a reduction in the amount of food available and lower people's incomes and their purchasing power, which eventually causes social unrest and political issues. A clear example is Syria. Between 2006 and 2010, Syria had witnessed a long period of drought, famine, and desertification that destroyed more than half of the fertile farmland of the nation. Crop production dropped sharply, and more than 800,000 people lost their jobs, and almost 85% of livestock died. As people's livelihoods disappeared, food became more expensive, pushing 1.5 million rural workers to move to cities in search of jobs. Those who stayed behind, living in poverty, became more vulnerable to being recruited by extremist groups. While other factors like the Arab Spring and strict government control also played a role in starting the Syrian civil war, the stress caused by climate change acted as a big contributing factor. The result was one of the worst refugee crises in recent history, with about 6.6 million Syrians, nearly a quarter of the population, forced to leave their country. Refugee laws in the contemporary period are derived from the 1951 Refugee Convention. <sup>7</sup>And it's 1967 protocol. <sup>8</sup>These conventions sought to protect individuals facing prosecution on the basis of race, religion, nationality, political opinion, or membership of a particular social group. The core focus was on the political prosecution, reflecting the reality of post-war Europe after both world wars. The environment, however, was not recognized as the ground for forced migration. During that time, climate change was neither a political concern nor a scientifically recognized threat, due to which the framework excludes persons fleeing environmental disasters. The UNHCR recognized that environmental issues could lead to people being displaced, but there hasn't been a formal international agreement that provides clear protection for those affected.

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<sup>6</sup> Amar Rahman, Climate change is a humanitarian crisis, Zurich Insurance Group (September 10, 2025, 8:00 P.M.) <https://www.zurich.com/media/magazine/2022/there-could-be-1-2-billion-climate-refugees-by-2050-here-s-what-you-need-to-know>

<sup>7</sup> Convention Relating to the Status of Refugees, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees> (last visited on September 10, 2025).

<sup>8</sup> Protocol Relating to the Status of Refugees, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees> (last visited on September 10, 2025).

In March 2018, the UN Human Rights Council found that many climate refugees do not fit the definition of “refugees” and called them “the world’s forgotten victims.”<sup>9</sup> The most fundamental challenge is the narrow definition of refugee under Article 1 (A)(2) of 1951, where it is demonstrated that the refugee must have a “well-founded fear of persecution.” In a judicial decision, *Teitiota v. New Zealand* (2020),<sup>10</sup> the Kiribati citizens were seeking asylum due to rising sea levels. The Supreme Court of New Zealand rejected the petition, stating that climate threats do not constitute prosecution within the meaning of the convention. Since they are not legally recognized, many host countries consider them as “economic migrants” who are subject to deportation and have limited access to rights or welfare. The issue of climate refugees led to a serious war between the sovereignty of the state vs. human rights. Countries usually prioritize their border and internal security over admitting displaced populations. Within the realm of human rights and legal quandaries, a deeply troubling example is posed by small island nations—like Tuvalu and Kiribati—which face the possibility of statelessness. Some initiatives have been undertaken regionally, such as the Kampala Convention of 2009 in Africa.<sup>10</sup> and the Cartagena Declaration of 1984 in Latin America,<sup>10</sup> extend the definition of refugees to include people escaping “events seriously disturbing public order,” which could include people fleeing from environmental catastrophes. Yet, such instruments are still limited to particular areas of the world and are non-binding internationally. In the present time, there is strong anti-immigrant sentiment floating across the world; one of the reasons for this trend could be that right-wing governments are coming into power, whether in Western or Southern countries. It is commonly believed that the rightist government has always raised its voice against migration and sees it as a threat to the resources, security, and sovereignty of their country. Although climate refugees are not yet formally recognized under international law, several global, regional, and national efforts have tried to address their plight. At the global level, the UNHCR has admitted that climate change causes people to leave their homes, and in the case of *Teitiota v. New Zealand* (2020), the UN Human Rights Committee said people shouldn't be sent back to places where climate issues could endanger their lives. It will be against the fundamental right to life. The Global Compact on Migration (2018)<sup>11</sup> also mentioned climate change and environmental problems as big reasons for people moving. The Pacific Islands Forum has **also**

<sup>9</sup> World Economic Forum, <https://www.weforum.org/stories/2021/06/climate-refugees-the-world-s-forgotten-victims/> (last visited on September 10, 2025).

<sup>10</sup> African Union, <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa> (last visited on September 10, 2025).

been **pushing** for **ways** to **help communities** that **risk losing** their **homes**.<sup>11</sup> Some countries, like Sweden and Finland,<sup>12</sup> have taken some small steps by offering protection in certain cases, and New Zealand is <sup>l</sup>ooking to provide special visas for Pacific Islanders. Organizations such as the Internal Displacement Monitoring Centre and the International Organization for Migration are also pushing the issue for more and more international support. But these efforts are still isolated and mostly not legally enforceable, due to which these people are constrained to live without any clear legal protection. India is one of the countries that could suffer most vulnerably by the impact of climate change, yet it does not recognise the concept of "climate refugees". India is not a party to the 1951 Refugee Convention and its 1967 Protocol; hence, it does not have any binding obligation to grant asylum to the refugees, especially those who are seeking protection due to climate change. According to the World Bank's Groundswell Report, 2021,<sup>13</sup> Stated that India could witness over 45 million internal climate immigrants by 2050, especially from areas such as Sundarban, Assam, Rajasthan, and many coastal areas, including Mumbai, Gujarat, and Kerala. In the present time, India deals with people who are displaced by floods, droughts, cyclones, or rising sea levels under the Disaster Management Act, 2005.<sup>14</sup> Rehabilitation schemes and state-level policies, but without granting any specific legal right or long-term protection. It is also estimated that by 2050, due to rising sea level more than 20 million Bangladeshi will become climate refugee and would eventually try to migrate towards Indian territory, as the infrastructure of Dhaka would not be sufficient to hold such a large population of people in it, which will rise serious issues, not only humanitarian consensus but also the matter of national security and border management. India's stand in international forums, such as the UNHCR and COP, is such that India acknowledges climate change as a driving force of migration, and it emphasizes the principle of "common but differentiated responsibilities" (CBDR), which states that developed nations, being historically the largest polluters, should hold greater responsibilities in assisting or hosting climate-displaced people. Till the present time, India has avoided committing any legal recognition to the climate refugee,

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<sup>11</sup> Pacific Islands Forum, <https://environmentalmigration.iom.int/news/pacific-islands-countries-lauded-endorsing-regional-framework-climate-mobility> (last visited on September 10, 2025).

<sup>12</sup> Finnish Immigration Service, Asylum in Finland, <https://migri.fi/en/asylum-in-finland> (last visited on September 10, 2025).

<sup>13</sup> Viviane Clement et al., Groundswell Part 2: Acting on Internal Climate Migration, World Bank, (September 10, 2025, 8:00 P.M.) <https://openknowledge.worldbank.org/entities/publication/2c9150df-52c3-58ed-9075-d78ea56c3267>

<sup>14</sup> The Disaster Management Act, 2005, No. 53 of 2005, Act of Parliament (India).



reflecting concern that it will eventually lead to the large inflow of population from neighbourhood countries. The Citizenship Amendment Act, 2019,<sup>15</sup> provides Indian citizenship for persecuted minorities such as Hindus, Buddhists, Parsis, and Jains from countries such as Bangladesh, Pakistan, and Afghanistan, but it has nothing to do with those who are being persecuted by the climate. This selective approach and excluding climatic migration from the scope raises serious ethical, humanitarian, and legal concerns as climate change affects the population and the respect of religion. At the domestic level, there have been some minor and ordinary initiatives, one of such was in 2022, when the Climate Migrants (Protection and Rehabilitation) Bill<sup>16</sup> was introduced in parliament as a private member's bill. Although the bill has not been passed, it reflects that the awareness of this issue is growing in legal and political circles. In a case, *Subhash Kumar v. State of Bihar* (1991),<sup>17</sup> the Supreme Court of India observed that "Right to life includes the right of environment of pollution-free water and air for full enjoyment of life" and declared that the right to life includes the right to live in a pollution-free environment. This case can be linked, as it strengthens the claims of climate refugees that they are not just victims of displacement but also victims of the denial of their fundamental right to a clean and safe environment. Similar case of *Olga Tellis v. Bombay Municipal Corporation* (1985)<sup>18</sup>, where the BMC decided to demolish pavement dwellings and hutments in Mumbai, claiming that these are legal encroachments. The Supreme Court held that the right of livelihood is a part of life under Article 21<sup>19</sup> of the Indian Constitution. It was also stated that if the right to livelihood is not recognised, then the right to life will become meaningless. Judgements like this can be invoked to argue that eviction without resettling wallets is a fundamental right of life and livelihood. This case also creates a constitutional basis for demanding state responsibility towards climate refugees within India. Constitutional provisions such as Article 21 (Right to life) under the Constitution of India apply to all citizens and non-citizens, and may offer indirect protection to all climate migrants under the principle of non-refoulement. However, a country that considers the Motto of "Vasudev Kutumbakam"

<sup>15</sup> The Citizenship (Amendment) Act, 2019, No. 47 of 2019, Act of Parliament (India).

<sup>16</sup> The Climate Migrants (Protection and Rehabilitation) Bill, 2022.

<https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/142%2520OF%25202022%2520AS.pdf%3Fsource%3Dlegislation&ved=2ahUKEwjO87XIr8yPAxUqSWwGHVfpLtgQFnoECCEQAO&usq=AOvVaw28ze6K6qfNN2oRUWxo8yGT> (last visited on September 10, 2025).

<sup>17</sup> (1991) 1 S.C.C. 598.

<sup>18</sup> (1985) 3 S.C.C. 545.

<sup>19</sup> India Constitution, Art. 21, Act of Parliament (India).

(The world is one family) as its basic philosophy, is not concerned about its family members and other kin who are helpless and fighting for their survival due to the pathetic effects of climate change. In my view, the exclusion of climate refugees from international protection reflects a structural inequality in global governance. The people who suffer most from climate change are usually the ones who contributed the least to causing it. Small island nations, developing countries, and vulnerable communities face the worst effects of displacement, while wealthier, industrialized countries those which have historically produced the most greenhouse gases, do not take any responsibility.<sup>20</sup> The claim that expanding refugee laws would put too much pressure on countries doesn't hold much weight. Although there is a need to create a proper channel that is transparent and ensures that only the real victims take advantage, and people of the devilish mindset who can pose a threat to the security and sovereignty of the country should be kept away. International laws need to change as the world changes. Just like refugee protection grew after the Cold War and both World Wars to include a wider range of situations that count as persecution, it is important that similar changes should also be made to address the challenges of climate change. Recognizing climate refugees is not simply a matter of legal technicality; it is a moral imperative to uphold dignity and humanity. Reforms: Urgent reforms are needed to strengthen the international protection framework for people displaced by climate change. Expanding the 1951 Convention's definition of "refugee" or making a new agreement that specially recognises environmental displacement as justification for protection would be a major step. Another crucial step would be to draft a special UN international agreement that will address this issue brought by climate change, akin to the Paris agreement.<sup>21</sup>. Regional international organisations and bilateral agreements can play an important role in the organisation, such as the European Union, BRICS, ASEAN, and SAARC, and can develop a plan for the resettlement and protection of climate refugees. Countries can also provide temporary protection, such as humanitarian visas, temporary asylum, or resettlement quotas. It is also critical to link climate funding with the migration policies in order for developed nations to assist with relocation, adaptation, and the integration of impacted communities. Additionally, to prevent people from losing their nationality, there should be a clear channel for people from countries that are no longer habitable to obtain permanent and lawful

<sup>20</sup> Zurich, [There could be 1.2 billion climate refugees by 2050. Here's what you need to know | Zurich Insurance](#) (last visited on September 10, 2025).

<sup>21</sup> Paris Agreement, [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf) (last visited on September 10, 2025).



citizenship, ensuring they have a legal identity and legal protection. Climate change has become one of the greatest drivers of human displacement, yet unrecognized in international law. This lack of legal acknowledgment puts people at risk of exploitation, statelessness, and grievous violations of human rights. The current system, based on the 1951 Refugee Convention, doesn't work well today, because it was never designed to tackle environmental challenges. Acknowledging climate refugees isn't just about changing the law; it's a moral and humanitarian duty. The world needs global efforts such as updating refugee laws, creating new international and bilateral treaties, working together regionally and internationally and to take action at national and domestic level to protect those most affected by crisis they never cause. People shouldn't be left in a legal gray area; their fight is not only about staying alive but also about fairness in a world that shares responsibility. If our aspirations stretch to the ideals of Vasudev Kutumbakam, it is now that we must offer protection to the marginalized. The climate change crisis is bound to change the world. In one way or the other, we are unassailably responsible for it.



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