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Climate-Induced Displacement and International Human Rights Law: Towards a Complementary Protection Framework

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Abstract

This article addresses the critical governance gap in public international law concerning individuals displaced across international borders by the slow-onset and sudden-onset effects of climate change. The central research question examines how international human rights law (IHRL) can be systematically operationalised to provide a complementary protection framework for these individuals, given their exclusion from the *1951 Refugee Convention*. Employing a doctrinal and jurisprudential methodology, this article analyzes recent regional and international case law, focusing specifically on the landmark decision of the United Nations Human Rights Committee in *Ioane Teitiota v. New Zealand*. The principal argument posits that while the traditional refugee paradigm remains structurally inadequate due to the absence of a distinct persecutor or an identity-based nexus, the expanding scope of non-refoulement under the *International Covenant on Civil and Political Rights* (ICCPR)—specifically Article 6 (right to life) and Article 7 (prohibition of cruel, inhuman, or degrading treatment)—offers an actionable legal pathway. The principal contribution of this article is the formulation of a structured, objective legal framework that integrates socio-economic rights from the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) to define the threshold of a "life with dignity," thereby enabling domestic immigration tribunals to evaluate climate-induced refoulement claims systematically.

Keywords: Climate-Induced Displacement; Complementary Protection; Non-Refoulement; Human Rights Law; Environmental Migrants.

1. Introduction

Climate change is increasingly reshaping patterns of human mobility. Sea-level rise, extreme weather events, droughts, floods, desertification, water insecurity and livelihood degradation may undermine the conditions necessary for individuals and communities to remain in their places of origin. Such displacement is rarely caused by climate change alone and often interacts with poverty, inequality, conflict, weak governance and social vulnerability (McAdam 2012; Atapattu 2020).

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This creates a significant challenge for international protection law. The 1951 Refugee Convention defines a refugee through a well-founded fear of persecution based on specified grounds, including race, religion, nationality, membership of a particular social group or political opinion (Refugee Convention 1951, art 1A(2)). Climate change, environmental degradation and natural disasters do not independently constitute grounds of refugee status (McAdam 2012). Consequently, persons compelled to cross borders because of drought, sea-level rise or climate-related disasters may not qualify as refugees merely because return has become difficult or dangerous. The term 'climate refugee', although widely used, is therefore not a recognised independent legal category (UNHCR 2026).

The absence of refugee status does not, however, mean that climate-displaced persons fall outside international law. Refugee law addresses persecution-based displacement, human rights law protects fundamental rights, internal displacement standards apply to persons who remain within their States, and migration and climate regimes provide mechanisms for mobility and adaptation. The principal challenge is determining how these regimes can operate together where climate-related conditions threaten fundamental rights. International human rights law is particularly relevant because climate-related degradation may affect rights to life, health, food, water, housing, family life and culture. The UN General Assembly's recognition of the human right to a clean, healthy and sustainable environment in 2022 further strengthened the relationship between environmental protection and human rights (UN General Assembly 2022).

The principle of non-refoulement provides an additional protection mechanism. In *Ioane Teitiota v New Zealand*, the UN Human Rights Committee considered whether returning a Kiribati national to a country experiencing serious environmental pressures violated his right to life under Article 6 of the ICCPR. Although the Committee found no violation because the risk was not sufficiently imminent at the relevant time, it recognised that climate change and environmental degradation could, in sufficiently serious circumstances, engage non-refoulement obligations under articles 6 and 7 (Human Rights Committee 2019). The significance of *Teitiota* therefore lies not in creating a new category of 'climate refugee', but in recognising a potential human-rights-based pathway to complementary protection. At the same time, determining when environmental degradation reaches the required threshold remains legally and evidentially complex.

This article examines three questions: first, to what extent can existing refugee law accommodate climate-related displacement; secondly, how can human rights-based non-refoulement respond where refugee law does not apply; and thirdly, what should a complementary protection framework contain?

It argues that climate-induced displacement should not be addressed through a choice between creating a new category of 'climate refugee' and leaving affected persons to ordinary migration law. Instead, a layered framework can connect refugee law, human rights-based non-refoulement, internal displacement standards, temporary protection, planned relocation and regular migration pathways. This approach recognises that climate-related mobility ranges from gradual livelihood deterioration and sudden disaster displacement to internal relocation and cross-border movement involving serious human rights risks. The article adopts a doctrinal and analytical methodology, examining international treaties, UN instruments, treaty-body

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jurisprudence, protection standards and relevant scholarship. It contends that the central legal challenge is not merely the absence of a formal 'climate refugee' category, but the absence of a sufficiently coordinated framework capable of responding when climate-related conditions place fundamental rights at serious risk.

Accordingly, international human rights law can serve as a bridge between the limitations of conventional refugee law and emerging climate-related protection needs. A complementary approach can preserve the Refugee Convention while ensuring that persons who do not satisfy its persecution-based definition are not automatically deprived of protection where return would expose them to serious violations of fundamental rights.

2. Conceptualising Climate-Induced Displacement

2.1 Meaning and Dimensions of Climate-Induced Displacement

Climate-induced displacement is a complex phenomenon that cannot be adequately understood through a single legal or conceptual category. Climate change affects human mobility through multiple pathways, including sudden-onset disasters such as floods, cyclones and extreme weather events, as well as slow-onset processes such as sea-level rise, desertification, salinisation, prolonged drought and the gradual degradation of ecosystems and livelihoods. These processes may compel individuals and communities to leave their homes temporarily or permanently, either within their own country or across an international border. The nature and consequences of such movement depend upon the character of the environmental harm, the availability of adaptation measures, the socioeconomic circumstances of affected communities and the capacity of States to provide protection and assistance (McAdam 2012; Atapattu 2020).

The concept of climate-induced displacement must therefore be distinguished from the broader concept of climate migration. Climate migration may encompass voluntary, adaptive or economically motivated movement in which environmental conditions constitute one factor among several influencing an individual's decision to relocate. Displacement, by contrast, places greater emphasis on situations in which individuals are compelled or obliged to leave their homes because remaining there has become dangerous or untenable. The distinction is not always absolute, since climate-related mobility frequently occurs along a continuum between voluntary adaptation and forced movement (McAdam 2012).

Climate-induced displacement may result from both sudden-onset and slow-onset processes. Sudden-onset events, including floods, cyclones and extreme storms, may produce immediate displacement and humanitarian emergencies. Slow-onset changes, including sea-level rise, desertification, salinisation and prolonged drought, may progressively undermine livelihoods and habitability. In the latter circumstances, displacement may occur gradually, following unsuccessful attempts at adaptation or internal relocation. This temporal distinction is important because international law may need to respond not only to immediate physical danger but also to circumstances in which environmental deterioration progressively undermines the conditions necessary for the enjoyment of fundamental rights.

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The geographical dimension of climate-induced displacement is equally important. Where affected persons remain within the territory of their State, they generally fall within the conceptual framework of internal displacement rather than international refugee protection. The UN Guiding Principles on Internal Displacement recognise persons forced or obliged to leave their homes as a result of natural or human-made disasters among the groups requiring protection, provided that they have not crossed an internationally recognised State border (UN Guiding Principles 1998). Climate-related internal displacement may consequently raise questions concerning access to housing, food, water, healthcare, education, livelihoods, property and cultural identity, particularly where long-term relocation becomes necessary.

Cross-border climate displacement presents a more complicated legal problem. Once an individual crosses an international boundary, the question becomes whether the receiving State is required to admit or protect that individual under existing international law. The person may not satisfy the refugee definition, yet return may potentially expose them to serious violations of fundamental rights. This distinction provides the basis for considering international human rights law as a complementary source of protection.

The multicausal character of climate displacement further complicates legal classification. Climate change rarely operates independently of poverty, inequality, conflict, food insecurity, weak governance and lack of access to resources. The same environmental event can therefore produce different consequences for different communities. A legally meaningful framework should not require climate change to be the exclusive cause of movement. Instead, it should examine the circumstances of the individual and the seriousness of the risks associated with remaining or returning to the affected area (Atapattu 2020; Scott 2020).

2.2 The Contested Concept of the 'Climate Refugee'

The expression 'climate refugee' has become widely used in political, academic and public discourse, but it does not constitute an established legal category under international refugee law. Article 1A(2) of the 1951 Refugee Convention defines a refugee by reference to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion (Refugee Convention 1951, art 1A(2)). Environmental degradation, climate change and natural disasters are not independently included within this definition (McAdam 2012).

Consequently, an individual who crosses an international border because their home has become uninhabitable due exclusively to drought, flooding, sea-level rise or another climate-related phenomenon will not automatically qualify for refugee status. The difficulty is particularly apparent where environmental harm does not involve an identifiable persecutor or discriminatory motive. The conventional refugee framework was developed around a fundamentally different conception of displacement, namely persecution by State or non-State actors and the inability or unwillingness of the State of nationality to provide protection.

Nevertheless, the absence of an independent category of climate refugees does not mean that climate-related circumstances are legally irrelevant. Climate change can interact with circumstances that fall within existing refugee law. Environmental degradation may contribute to resource

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competition, social instability or conflict, while particular communities may experience discriminatory or persecutory treatment in the distribution of resources or access to protection. Where the facts satisfy the requirements of the Refugee Convention or an applicable regional refugee instrument, climate-related circumstances may therefore form part of the factual context of a refugee claim (UNHCR 2020).

The terminology also presents a broader conceptual problem. Describing all persons affected by climate change as 'refugees' risks suggesting that their legal circumstances are identical, despite considerable differences between disaster displacement, internal relocation, planned migration and cross-border movement. Conversely, rejecting the term without developing alternative protection mechanisms may leave serious protection needs insufficiently addressed. The more appropriate approach is therefore to distinguish legal status from the underlying protection need. A person may not satisfy the technical definition of a refugee while nevertheless facing circumstances that engage other international legal obligations.

This distinction is particularly important in relation to complementary protection. Rather than expanding the Refugee Convention artificially to encompass every form of climate-related mobility, international law may employ existing human rights obligations to protect individuals where return would expose them to serious and foreseeable harm. Such an approach preserves the specific legal character of refugee protection while recognising that international protection needs may arise outside the traditional refugee definition (McAdam 2011).

2.3 Climate Displacement as a Protection Continuum

Climate-induced mobility is better understood as a continuum of movement and protection needs rather than a rigid distinction between voluntary migration and forced displacement. It may range from anticipatory migration and temporary disaster displacement to prolonged internal displacement, planned relocation and, in the most serious cases, cross-border movement where return may threaten life or fundamental rights.

Different stages require different responses. Adaptation and development measures may reduce displacement; disaster preparedness and humanitarian assistance can address sudden-onset events; internal displacement frameworks can protect those displaced within their States; and planned relocation may become necessary where adaptation is insufficient. Where individuals cross international borders and cannot safely return, refugee law and complementary human rights-based protection may become relevant.

This continuum demonstrates why a single legal category cannot comprehensively address climate-induced displacement. The issue lies at the intersection of refugee, human rights, climate, disaster and migration law. The principal challenge is therefore to coordinate these existing regimes and prevent protection gaps. International human rights law is particularly important because it focuses on individual rights and vulnerabilities rather than merely the formal classification of movement. Where climate-related conditions threaten fundamental rights, human rights law can complement refugee protection and, where applicable, restrict removal. This provides the foundation

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for examining the limitations of the traditional refugee definition and the role of complementary protection mechanisms.

3. Climate-Induced Displacement And The Limitations Of International Refugee Law

3.1 The 1951 Refugee Convention and the Absence of an Express Climate-Based Ground

The 1951 Convention Relating to the Status of Refugees remains the foundation of the international refugee protection regime. Article 1A(2) defines a refugee as a person outside their country who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion (Refugee Convention 1951, art 1A(2)). The definition therefore requires cross-border movement, a well-founded fear of persecution and a nexus with a Convention ground.

Climate change does not constitute an independent Convention ground. Environmental degradation or natural disasters may cause severe hardship without necessarily involving persecution by a State or non-State actor. A person displaced by prolonged drought or sea-level rise may consequently face serious threats to livelihood and habitability without satisfying Article 1A(2) (McAdam 2012). This reflects the historical focus of refugee law on persecution rather than environmental insecurity. Nevertheless, climate-related circumstances may remain relevant where they interact with an existing Convention ground. The appropriate inquiry is therefore whether the particular circumstances satisfy the refugee definition, rather than whether climate change itself creates refugee status.

3.2 Climate-Related Harm Within the Refugee Framework

Although climate change is not an independent ground of refugee status, its effects may form part of a broader persecution claim. Environmental degradation may intensify competition over resources, contribute to conflict, or disproportionately affect particular ethnic, religious or social groups. Similarly, discriminatory State policies concerning access to land, water or essential resources could acquire a persecutory character where connected to a Convention ground (McAdam 2012; UNHCR 2020).

Such cases are likely to remain exceptional. An excessively broad interpretation of persecution could transform the Refugee Convention into a general environmental protection mechanism. Climate-related factors should therefore be considered where they intersect with established Convention requirements. The distinction between internal and cross-border displacement is also important. Refugee law generally applies only after an individual has crossed an international border, whereas persons displaced by climate-related events within their own State fall primarily within domestic protection systems and international standards on internal displacement. The Refugee Convention nevertheless remains relevant where climate change operates alongside existing social or political vulnerabilities. Its limitations therefore do not justify disregarding the

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Convention, but demonstrate the need for additional forms of protection where its requirements are not satisfied.

3.3 Complementary Protection Beyond the Refugee Convention

Where individuals face serious harm but do not meet the refugee definition, complementary protection can provide an additional basis for international protection. UNHCR has recognised such protection as a means of assisting persons who require protection but fall outside the Refugee Convention framework, while preserving the distinct status of refugees (UNHCR 2005).

The importance of this approach lies in the broader principle of non-refoulement. Article 33 of the Refugee Convention protects refugees from return to territories where their life or freedom would be threatened on a Convention ground. Human rights law may impose additional restrictions where removal would expose an individual to serious violations of fundamental rights, including the rights protected under articles 6 and 7 of the ICCPR (Refugee Convention 1951, art 33; ICCPR 1966, arts 6–7). This possibility was recognised in *Ioane Teitiota v New Zealand*. The Human Rights Committee found no violation on the facts because the risk facing the applicant was not sufficiently imminent at the relevant time, but it accepted that climate change and environmental degradation could, in sufficiently serious circumstances, engage non-refoulement obligations under articles 6 and 7 (Human Rights Committee 2019).

Teitiota therefore establishes an important human rights-based pathway without creating an automatic 'climate refugee' status. Protection remains dependent upon an individualised assessment of the seriousness and foreseeability of the risk. This raises continuing questions concerning the threshold of harm, scientific evidence, temporality and causation, particularly where climate impacts develop progressively.

Complementary protection consequently provides a means of addressing serious climate-related protection needs while preserving the structure of the Refugee Convention. The legal challenge is to determine when existing human rights obligations require protection against return, rather than to expand the refugee definition to encompass every form of climate-induced displacement.

4. International Human Rights Law And Climate-Related Protection

4.1 Climate Change and Fundamental Human Rights

International human rights law provides a broader framework for addressing climate-induced displacement because its protection is based on the inherent rights of individuals rather than a particular migration status. Climate change may affect rights to life, health, food, water, housing, livelihood, family life, culture and human dignity (Atapattu 2015; Atapattu 2020).

The right to life under article 6 of the ICCPR and the prohibition of torture and cruel, inhuman or degrading treatment under article 7 are particularly relevant where environmental conditions create serious and foreseeable risks (ICCPR 1966, arts 6–7). Climate change may also

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undermine economic, social and cultural rights, including access to food, water, health, housing and an adequate standard of living (ICESCR 1966).

The UN General Assembly's recognition in 2022 of the human right to a clean, healthy and sustainable environment further strengthened the relationship between environmental protection and human rights (UN General Assembly 2022). Although the resolution does not establish an independent right of admission, it confirms the growing recognition that environmental degradation directly affects the enjoyment of fundamental rights.

A rights-based approach must also recognise unequal vulnerability. Children, older persons, persons with disabilities, Indigenous peoples and communities dependent upon climate-sensitive livelihoods may have fewer opportunities to adapt or relocate safely. Climate policies and relocation measures must therefore comply with equality, non-discrimination and participation requirements. The 2025 ICJ Advisory Opinion on *Obligations of States in Respect of Climate Change* further supports an integrated understanding of States' climate-related obligations and their relationship with other areas of international law (ICJ 2025).

4.2 Human Rights-Based Non-Refoulement and the Teitiota Framework

Human rights-based non-refoulement provides the principal connection between climate-related harm and cross-border protection. Unlike refugee-law non-refoulement, it does not depend upon recognition of refugee status. The relevant question is whether removal would expose an individual to a sufficiently serious and foreseeable risk of prohibited harm.

This principle was significantly developed in *Ioane Teitiota v New Zealand*. The applicant, a national of Kiribati, argued that climate change, sea-level rise, environmental degradation and freshwater insecurity had created conditions threatening his right to life under article 6 of the ICCPR. The Human Rights Committee ultimately found no violation because the risk had not reached the required threshold at the relevant time. Nevertheless, it recognised that climate change and environmental degradation could, in sufficiently serious circumstances, engage obligations under articles 6 and 7 and restrict removal (Human Rights Committee 2019).

The significance of *Teitiota* lies therefore in establishing a possible pathway to complementary protection without creating a separate category of 'climate refugee'. Climate change does not automatically create a right to remain in another State. Protection depends upon an individualised assessment of the seriousness and foreseeability of the risk. Relevant considerations may include access to food, water and safe housing, exposure to environmental hazards, health and livelihood conditions, individual vulnerability, available adaptation measures and the possibility of internal relocation.

The temporal dimension is particularly important. Climate-related risks may develop gradually rather than through an immediate catastrophic event. Decision-makers may therefore need to consider reliable scientific projections alongside country-of-origin information and the individual's circumstances. The appropriate approach should balance the preventive purpose of non-refoulement with the need for a clear and legally manageable threshold.

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4.3 Internal Displacement and Planned Relocation

Climate-induced displacement does not necessarily involve crossing an international border. Many persons initially move within their own States following sudden disasters or because environmental conditions progressively undermine the habitability of their communities. The UN Guiding Principles on Internal Displacement recognise persons compelled to leave their homes because of natural or human-made disasters who have not crossed an internationally recognised border (UN Guiding Principles 1998).

Internally displaced persons retain their fundamental rights, and States bear primary responsibility for their protection and assistance. Climate-related internal displacement may nevertheless produce secondary vulnerabilities, including loss of housing, livelihoods, education, healthcare, food, water and social networks. States should therefore address displacement through prevention, disaster-risk reduction, humanitarian assistance and durable solutions. Return may not always be appropriate where environmental conditions have permanently changed, making local integration or settlement elsewhere more sustainable.

Where continued habitation becomes unsafe, planned relocation may become an important adaptation measure. However, relocation can itself generate human rights violations if undertaken without meaningful consultation, adequate housing, livelihood protection, compensation and cultural safeguards. Particular attention is required for Indigenous and other communities whose identity is closely connected with their traditional territories. Relocation should therefore incorporate participation, non-discrimination, procedural safeguards and protection of dignity and social cohesion.

Internal and cross-border displacement should not be viewed as completely separate processes. A person initially displaced within their State may eventually cross an international border where safe and sustainable internal alternatives become unavailable. This reinforces the importance of anticipatory measures, including adaptation, disaster-risk reduction, planned relocation and lawful mobility pathways.

Taken together, these dimensions demonstrate that human rights protection should operate throughout the displacement cycle—from prevention and adaptation to internal displacement, relocation and, where necessary, cross-border protection. This approach complements refugee law while avoiding the need to classify every person affected by climate change as a 'climate refugee'.

5. Comparative And Regional Protection Mechanisms

The limitations of the 1951 Refugee Convention have encouraged the development of broader regional approaches to refugee and displacement protection. These frameworks are particularly relevant to climate-induced displacement because they demonstrate that international protection need not always be confined to the persecution-based model contained in the Convention. At the same time, regional instruments do not establish a uniform or automatic legal status for persons displaced by climate change. Their significance lies in demonstrating how broader definitions of

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forced displacement, complementary protection and regional solidarity can supplement the universal refugee regime.

5.1 Broader Refugee Definitions under Regional Instruments

The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa adopts a broader definition of a refugee than the 1951 Refugee Convention. In addition to persons who satisfy the conventional persecution-based definition, it includes persons compelled to leave their country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of the country of origin or nationality (OAU Refugee Convention 1969, art I(2)).

The reference to 'events seriously disturbing public order' is particularly significant in the context of climate-related displacement. Natural disasters and environmental degradation may, in certain circumstances, contribute to conditions that seriously disrupt public order. However, the provision should not be interpreted as creating an automatic entitlement to refugee status for every person displaced by a climate-related event. The relevant circumstances must satisfy the requirements of the regional instrument, and the relationship between the environmental event and the resulting public-order disturbance must be established.

The broader OAU approach nevertheless demonstrates that the refugee concept can accommodate forms of forced movement extending beyond individualised persecution. It therefore provides an important comparative example for understanding how legal systems can respond to displacement generated by circumstances that affect communities or populations more broadly.

The Cartagena Declaration on Refugees 1984 similarly adopts an expanded regional approach in Latin America. It recommends that the definition of refugees include persons who have fled their countries because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances that have seriously disturbed public order (Cartagena Declaration 1984, III(3)).
Although the Cartagena Declaration is not itself a universally binding treaty, its influence on national and regional refugee legislation in Latin America has been considerable. Its broader approach is relevant to climate-induced displacement because it demonstrates the possibility of interpreting forced displacement through the wider consequences of societal disruption rather than exclusively through individual persecution.

Nevertheless, neither the OAU Convention nor the Cartagena Declaration expressly creates a category of 'climate refugee'. Their relevance lies instead in demonstrating that regional refugee frameworks can recognise broader forms of displacement where circumstances substantially threaten life, safety or public order. Climate change may therefore become legally relevant where its effects contribute to circumstances falling within an applicable regional definition.

These regional approaches are significant for the development of complementary protection because they challenge the assumption that the Refugee Convention's persecution-based definition represents the only possible model of international protection. They illustrate that protection can be

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broadened while maintaining a distinction between traditional refugee status and other forms of forced displacement.

5.2 Regional Human Rights Protection and Complementary Mechanisms

Regional human rights systems provide another important layer of protection. The European Convention on Human Rights, the American Convention on Human Rights and the African human rights system contain provisions protecting rights that may become relevant to climate-induced displacement, including rights to life, physical integrity, family life and, in certain contexts, property and cultural interests.

The European human rights framework has particular significance for the development of non-refoulement jurisprudence. The European Court of Human Rights has recognised that removal may be prohibited where substantial grounds exist for believing that an individual would face a real risk of treatment contrary to the Convention. Although the Court's jurisprudence has principally developed in contexts such as torture, inhuman or degrading treatment, the underlying principle demonstrates how human rights obligations can operate independently from refugee status.

The regional human rights framework is therefore relevant to climate-induced displacement because it reinforces the proposition that protection against removal may arise from human rights obligations independently of refugee recognition. Climate-related claims would still require an assessment of the seriousness and foreseeability of the risk, but the legal framework provides a basis for considering environmental conditions as part of that assessment.

Similarly, the Inter-American human rights system has developed an extensive understanding of the relationship between environmental protection and human rights. The Inter-American Court of Human Rights has recognised the close relationship between environmental protection and the enjoyment of fundamental rights, particularly in relation to communities whose livelihoods and cultural identity depend upon their environment. This jurisprudence is relevant to climate displacement because it demonstrates the possibility of treating environmental harm as a matter of human rights protection rather than solely as an environmental-policy concern.

The African regional system also provides an important context because environmental degradation, displacement and socioeconomic vulnerability frequently intersect. The African Charter on Human and Peoples' Rights expressly recognises a right to a generally satisfactory environment favourable to development (African Charter 1981, art 24). Such recognition illustrates how regional human rights instruments can incorporate environmental protection directly within the catalogue of protected rights.

These regional developments do not create a single international standard for climate displacement. Their importance instead lies in demonstrating the plurality of legal pathways through which environmental harm can generate protection obligations. Refugee law, human rights law and environmental rights may operate concurrently, depending upon the legal system and facts of the individual case.

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The comparative experience therefore supports a complementary rather than replacement-based approach. A new universal category of climate refugee is not the only means through which protection can be strengthened. Existing regional instruments demonstrate that broader refugee definitions, environmental rights and human rights-based restrictions on removal can collectively expand protection without eliminating the existing refugee framework.

At the same time, regional mechanisms have geographical limitations. A person displaced by climate change cannot necessarily rely upon a regional protection mechanism unless the relevant State falls within its territorial or jurisdictional scope. Differences in legal standards may also result in unequal protection for similarly situated individuals. These limitations reinforce the need for broader international cooperation and common principles capable of operating across regions.

The comparative analysis therefore reveals two important lessons. First, the international refugee regime can accommodate broader forms of forced displacement where legal instruments expressly provide for them. Secondly, human rights law can provide an independent basis for protection where removal would expose individuals to serious harm. Together, these developments support the construction of a multilayered complementary protection framework for climate-induced displacement.

Such a framework should not seek to impose a single rigid legal category upon the diverse forms of climate-related mobility. Instead, it should coordinate existing refugee, human rights, internal displacement, migration and climate-law mechanisms according to the nature and severity of the individual's circumstances. The following section develops this proposition by examining the principal components of a complementary protection framework specifically designed to respond to climate-induced displacement.

6. India: Constitutional And Legal Dimensions

6.1 Constitutional Protection and the Right Against Climate Harm

India does not presently have a dedicated statutory framework specifically governing climate-induced displacement. Nevertheless, its constitutional environmental jurisprudence provides an important foundation for developing rights-based protection for persons affected by climate change. Article 21 of the Constitution, which guarantees the right to life and personal liberty, has been interpreted expansively by the Supreme Court to encompass environmental dimensions of human well-being. Articles 48A and 51A(g) further establish constitutional commitments concerning environmental protection, requiring the State to endeavour to protect and improve the environment and imposing a corresponding fundamental duty upon citizens (Constitution of India 1950, arts 21, 48A, 51A(g)).

The Supreme Court's decision in *M K Ranjitsinh v Union of India* represents an important development in this regard. The Court expressly recognised that individuals have a constitutional right against the adverse effects of climate change, locating that right within Articles 14 and 21. It observed that climate change can affect the enjoyment of the right to life and that its consequences

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may disproportionately affect socially, geographically and economically vulnerable communities (*M K Ranjitsinh v Union of India* 2024). (Science Government Portal)

This constitutional recognition is significant for climate-induced displacement because displacement frequently results from the deterioration of precisely those conditions that Article 21 is intended to protect. Flooding, extreme heat, water scarcity, food insecurity and the loss of habitable land can affect life, health, livelihood and dignity. The constitutional framework therefore provides a basis for understanding climate vulnerability as a question of fundamental rights rather than exclusively as a matter of environmental policy.

Article 14 is also significant because climate impacts may disproportionately burden economically and socially disadvantaged populations. The Supreme Court has recognised that communities with fewer resources to adapt to climate change may experience greater consequences from food and water shortages, rising temperatures and other environmental impacts (*M K Ranjitsinh* 2024). (Sci API) This equality dimension is particularly relevant when State authorities formulate policies concerning disaster response, relocation and access to climate adaptation measures.

6.2 Indian Environmental Law and the Protection of Climate-Vulnerable Communities

India's environmental statutory framework contains several mechanisms relevant to climate vulnerability, including the Environment (Protection) Act 1986, disaster-management legislation and regulations concerning environmentally sensitive areas. These laws do not, however, establish a specific legal status for persons displaced by climate change or provide a comprehensive cross-border protection mechanism.The constitutional environmental jurisprudence of the Supreme Court nevertheless provides important principles that can support a broader climate-protection framework. The Court has recognised the precautionary principle, sustainable development and the public trust doctrine as significant components of Indian environmental law. These principles require environmental risks to be considered proactively and reinforce the State's responsibility to protect natural resources and environmental conditions essential to human life (*State of Himachal Pradesh v Ganesh Wood Products* 1995; *M C Mehta v Kamal Nath* 1997).

The connection between environmental protection and climate displacement is particularly important in relation to anticipatory protection. If climate risks can be identified before they result in large-scale displacement, State authorities may have obligations to undertake adaptation, disaster-risk reduction and other protective measures. The Supreme Court's recognition of a constitutional right against adverse climate effects strengthens the legal basis for such preventive approaches. (Science Government Portal)

At the same time, domestic environmental protection cannot by itself resolve the problem of cross-border climate displacement. Indian constitutional rights primarily operate within the domestic legal order and do not establish an international mechanism through which persons displaced from other countries because of climate change can automatically obtain admission or residence in India. This distinction demonstrates the need for coordination between domestic constitutional protection and international human rights law .India's position presents a significant

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opportunity for developing a rights-based response to climate-induced displacement. Its constitutional jurisprudence already recognises the relationship between environmental protection, equality and the right to life, while international human rights law provides a potential framework for addressing serious risks arising from climate-related displacement. The two systems can therefore operate in a complementary manner.

For internally displaced populations, Indian law can strengthen protection through disaster preparedness, rehabilitation, livelihood restoration, access to housing and essential services, and rights-compliant relocation. For persons crossing international borders, however, the absence of a comprehensive statutory complementary protection regime remains a significant gap. India is not a party to the 1951 Refugee Convention or its 1967 Protocol, making the development of a structured domestic framework particularly important for addressing persons who may require protection but do not fall within conventional refugee categories.

A future Indian framework could draw upon constitutional principles under Articles 14 and 21 while incorporating international standards concerning non-refoulement, human dignity, non-discrimination and planned relocation. Such an approach would not require automatic recognition of every climate-displaced person as a refugee. Instead, protection could be based upon an assessment of the seriousness and foreseeability of the risks associated with return, consistent with the complementary model developed through international human rights law.

India's constitutional recognition of a right against the adverse effects of climate change therefore provides an important domestic foundation for this approach. The Supreme Court's jurisprudence demonstrates that climate protection is increasingly connected with fundamental rights, particularly life and equality. (Science Government Portal) The remaining challenge is to translate these constitutional principles into concrete mechanisms addressing displacement, relocation, and cross-border protection.

7. Conclusion

Climate-induced displacement represents a complex challenge for international protection law because it does not fit neatly within traditional categories of forced movement. Climate change can progressively undermine habitability, livelihoods, access to essential resources and physical security, while interacting with poverty, inequality, conflict and other vulnerabilities. Movement may consequently be internal or cross-border, temporary or permanent, making a single legal category inadequate.

The 1951 Refugee Convention remains indispensable but cannot protect all persons displaced in the context of climate change. Its persecution-based definition does not recognise climate change or environmental degradation as independent grounds of refugee status, although climate-related circumstances may become relevant where they intersect with persecution, conflict or other Convention grounds. The appropriate response is therefore not to displace the Refugee Convention, but to supplement it through other applicable sources of international law.

International human rights law provides an important basis for such complementary protection. Climate change may seriously affect rights to life, health, housing, food, water and

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dignity, while recognition of the right to a clean, healthy and sustainable environment has strengthened the connection between environmental protection and human rights. In *Teitiota*, the Human Rights Committee further recognised that climate change and environmental degradation may, in sufficiently serious circumstances, engage human rights-based non-refoulement obligations. Although no violation was established on the facts, the decision opened an important pathway beyond conventional refugee protection.

The analysis therefore supports a complementary and layered protection framework incorporating climate adaptation and prevention, protection of internally displaced persons, rights-compliant relocation, regular mobility pathways, human rights-based non-refoulement and durable solutions. Such protection should focus on individual vulnerability and the seriousness of the risk rather than rigid classifications of climate-related mobility.

International cooperation remains essential. Adaptation finance, technological cooperation, disaster-risk reduction, loss-and-damage mechanisms and responsibility sharing are necessary to address the unequal distribution of climate vulnerability. At the domestic level, India's constitutional jurisprudence, particularly the Supreme Court's recognition of a right against the adverse effects of climate change under Articles 14 and 21, provides an important foundation, although significant gaps remain concerning dedicated frameworks for climate-induced displacement.

Ultimately, climate-induced displacement exposes a structural limitation in a protection system historically centred on persecution rather than environmental transformation. The appropriate response is neither to disregard the Refugee Convention nor to classify every climate migrant as a refugee. Instead, international law should develop a coherent complementary protection architecture connecting refugee law, human rights law, internal displacement standards, climate governance and migration mechanisms.

The effectiveness of this emerging framework will depend upon clearer procedural standards, scientific evidence, international cooperation, domestic implementation and continued development of human rights jurisprudence. As climate impacts intensify, the central objective should remain the protection of human dignity. A complementary framework grounded in this principle can provide a more coherent response to the diverse forms of displacement generated or intensified by climate change.

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