



# ANALYZING THE ROLE OF INTERNATIONAL ORGANIZATIONS IN ADDRESSING THE ISSUE OF CLIMATE-INDUCED MIGRATION

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## Abstract

The problem of climate-induced migration is a significant global crisis. By the year 2050, it is anticipated that millions of people will be displaced due to rising sea levels, extreme weather conditions and due to other climate-related impacts. International organizations play a crucial role in providing humanitarian aid, protecting the basic human rights of individuals, advocating for policy reforms and addressing the root cause of climate displacement. Despite the growing urgency, international law lacks a formal definition, protection and legal framework for climate refugees, which results in leaving them vulnerable and without adequate legal status. In this paper, the researcher will aim to critically evaluate the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) and European Union (EU) in addressing the issues of climate-induced migration. It explores their initiatives, including resettlement programs and disaster-preparedness strategies, and assesses their effectiveness in mitigating the impacts of displacement. Additionally, the paper will examine India's approach to tackling the situation of climate refugees, providing an in-depth analysis of key challenges including resource constraints, lack of international diplomacy and absence of legal recognition for climate refugees. These challenges underscore the urgent need for robust, coordinated, and inclusive international action to protect and uphold the dignity of affected populations. Ultimately, this paper emphasizes the importance of addressing climate displacement through comprehensive and effective global efforts. It also provides actionable suggestions for India to navigate the challenges of climate-induced migration and develop forward-looking strategies to tackle this pressing issue.

*Keywords: Environment, Climate Change, Climate Refugees, Migrants, human displacement*

## Introduction

The term climate refugees or climate-induced migration refers to individuals forced to leave their homes due to natural disasters such as drought, tropical storms, hurricanes, heavy rains, widespread floods, extreme temperatures, rise in sea level etc<sup>1</sup>. These climatological factors displace people from their place of origin which includes both internal displacement and transboundary migration<sup>2</sup>. It is seen as an involuntary movement also known climate climate-related displacement or disaster displacement of people due to sudden reactions or developing changes in climate. It is mostly an internal displacement with sometimes crosses international borders<sup>3</sup>. Climate-induced migration and displacement were first acknowledged in 2008 during the 14th Conference of Parties (CoP) under the UN Framework Convention on Climate Change (UNFCCC). The 2016 UN Summit for Refugees and Migrants marked a major step in addressing international migration, with all 193 member states adopting the New York Declaration for Refugees and Migrants. Climate-induced migration considers two types of risks. Firstly, Intensive risks include sudden, severe events like hurricanes and large-scale floods and secondly, Extensive risks include ongoing, less severe events like droughts and recurring local floods<sup>4</sup>. Professor Walter Kalin and Nina Schrepfer's research identifies four major environmental factors driving forced population movement a) reduction in available water, b) decrease in crop yields, c) risk of floods, storms and coastal flooding and d) negative overall impact on health. These environmental disruptions often result in three kinds of impediments to the return of displaced populations: legal impediments under human law where they are exposed to torture and inhuman treatment, factual impediments, where the absence of infrastructure prevents safe return and humanitarian impediments where return possible but practically on human grounds difficult to send. In 2019, the IPCC pointed out that climate-induced displacement is expected to exacerbate existing issues such as competition for food, clean water, and jobs. The displacement is further complicated by pre-existing tensions related to ethnicity, gender violence, and regional instability<sup>5</sup>. 2014 In 2014, the IPCC's projections indicated that climate change could make millions homeless, with the worst-case scenario suggesting up to 200 million displaced people. This is significantly higher than the current number of refugees under UN protection. Countries like India and Bangladesh are already facing significant climate-induced migration, with over 200 million displaced globally between 2008 and 2016, and millions more in India<sup>6</sup>. The IPCC and other research institutions like the Institute for Economics and Peace (IEP) have provided projections for future climate-induced displacement. In particular, the World Bank's Groundswell report anticipates that by 2050, up to 216 million people could be displaced due to climate change in six global regions forced to move within their country internally due to the slow onset of climate change. The six regions include

<sup>1</sup> refugeeelawinitiative, *Recognition of Climate Refugees: What Should Be India's Stand?*, REFUGEE LAW INITIATIVE BLOG (2021), <https://rli.blogs.sas.ac.uk/2021/03/18/recognition-of-climate-refugees-what-should-be-indias-stand/> (last visited Jan 26, 2025).

<sup>2</sup> CHHAYA BHARDWAJ, ENHANCING PROTECTION OF "CLIMATE REFUGEES" IN DESTINATION HUBS: A COMPARATIVE ANALYSIS OF LEGAL MECHANISMS AND GOVERNANCE CHALLENGES IN THE UNITED STATES AND INDIA.

<sup>3</sup> Stellina Jolly, *Climate Change, Disasters and Gender Resilience: A Legal Analysis from India*, 61 JOURNAL OF INDIAN LAW INSTITUTE (2019).

<sup>4</sup> HPNLU JOURNAL OF ENVIRONMENT AND DISASTER MANAGEMENT Vol. I, 2020 PARKHI SAXENA, CLIMATE INDUCED MIGRATION AND PROTECTION OF HUMAN RIGHTS OF THE MIGRANTS.

<sup>5</sup> JOANNA APAP, PRADIER STÉPHANIE, THE CONCEPT OF "CLIMATE REFUGEE."

<sup>6</sup> DR. ARINDAM BASU, ENVIRONMENTAL REFUGEES – A QUEST FOR JUSTICE.

sub-Saharan Africa, East Asia and the Pacific, South Asia, North Africa, Latin America Eastern Europe and Central Asia<sup>7</sup>. The Institute for Economics and Peace (IEP) predicts that by 2050, 1.2 billion people worldwide could be displaced due to climate-related disasters. This means that 12% of the global population could become climate migrants, a stark illustration of the massive scale of the crisis. The UN estimates that 70% of disasters are now climate-related and that, by 2030, climate change could force more than 100 million people into extreme poverty. This highlights how socio-economic inequalities will make marginalized groups more vulnerable to climate change<sup>8</sup>.

## **Role of International Organizations in Climate-Induced Migration**

International organizations play a pivotal role in addressing the challenges posed by climate-induced migration. Various UN bodies, such as UNHCR, UNEP, and UNFCCC, along with organizations like the IOM and EU, as well as global conferences like COP, contribute significantly by providing recommendations, action plans, and strategies to tackle this pressing issue. These entities raise awareness on a global platform, highlighting the link between climate change and migration. They work towards formulating guidelines, policies, international agreements, and strategic frameworks to assist countries in managing migration driven by the impacts of climate change.

### **1) UNHCR**

UNHCR focuses on creating region- and country-specific action plans to address the global climate crisis, working alongside affected communities, governments, UN teams, and a wide range of partners, including NGOs, international organizations, financial institutions, the private sector, and academia<sup>9</sup>. Its framework aligns with the High Commissioner's Strategic Directions<sup>10</sup> and broader UN policies, such as the Common Core Principles for a UN System-wide Approach to Climate Action<sup>11</sup>, the Secretary General's Climate Action Strategy and the UN Plan of Action on Disaster Risk Reduction for Resilience<sup>12</sup>. Additionally, it supports international commitments under the Global Compact on Refugees (GCR), the Global Compact for Safe, Orderly and Regular Migration (GCM), and the Agenda for the Protection of Cross-Border Displaced Persons affected by disasters and climate change<sup>13</sup>.

UNHCR plays a central role in global climate action by leveraging its expertise in protecting displaced people, offering guidance to Member States on climate action and disaster risk reduction, and engaging in key platforms

<sup>7</sup> DAC Recommendation on the Humanitarian-Development-Peace Nexus, (2018), <https://legalinstruments.oecd.org/public/doc/643/643.en.pdf>.

<sup>8</sup> Climate refugees: The world's forgotten displacement crisis, CONCERN WORLDWIDE (2024), <https://www.concern.net/news/climate-refugees-explained> (last visited Jan 26, 2025).

<sup>9</sup> UNHCR's Strategic Direction 2017–2021 - Platform on Disaster Displacement, <https://disasterdisplacement.org/resource/unhcrs-strategic-direction-2017-2021/> (last visited Jan 26, 2025).

<sup>10</sup> *Id.*

<sup>11</sup> Common Core Principles for a UN System-wide Approach to Climate Action | United Nations - CEB, <https://unsceb.org/common-core-principles-un-system-wide-approach-climate-action> (last visited Jan 26, 2025).

<sup>12</sup> United Nations Plan of Action on DRR for Resilience, (2021), <https://www.preventionweb.net/sendai-framework/united-nations-plan-action-drr-resilience> (last visited Jan 26, 2025).

<sup>13</sup> DAC Recommendation on the Humanitarian-Development-Peace Nexus, *supra* note 7.

like the UNFCCC Task Force on Displacement. It advocates for displaced populations to participate in climate resilience decision-making, driving sustainable solutions through partnerships and advocacy.

UNHCR aims to reduce and manage risks related to climate and environmental factors by adapting its operations and responding quickly to large-scale internal displacement. In such cases, UNHCR ensures a swift and effective response to internal displacement on a "no regrets" basis<sup>14</sup> and for a limited duration, participating in the Inter-Agency Standing Committee (IASC) Scale-Up protocols during large-scale disasters, and leading the protection cluster under the UN Humanitarian Coordinator or Resident Coordinator when there is sufficient in-country presence, a government request, and inter-agency agreement with other protection-mandated agencies like UNICEF and OHCHR.

To enhance resilience, UNHCR focuses on anticipatory action, partnerships, and integrating traditional adaptation practices. Climate risks are incorporated into all preparedness activities, including planning, capacity-building, and resource management. The Global Compact on Refugees (GCR) stresses disaster risk reduction and preparedness, including early warning systems and including refugees in disaster risk reduction strategies. UNHCR plays a key role in promoting climate solutions and works with partners like IOM and international financial institutions to address climate-related displacement drivers and support durable solutions<sup>15</sup>. The organisation advocates for the inclusion of displaced people in climate and disaster resilience policies.

It is widely agreed that humanitarian assistance for internally displaced persons (IDPs) is managed through the Inter-Agency Standing Committee (IASC)'s cluster approach<sup>16</sup>, as outlined in the 1998 Guiding Principles<sup>17</sup>.

### **Key initiatives and developments:**

In 2008, the IASC created a Task Force on Climate Change<sup>18</sup>, with UNHCR and partners advocating for the recognition of cross-border displacement due to climate change and disasters. This resulted in a decision at UNFCCC COP 16 in 2010, urging nations to strengthen their responses to climate-induced displacement.

The Bellagio Roundtable (2011)<sup>19</sup> and Nansen Conference (2011)<sup>20</sup> highlighted the need for a global framework for climate change-related displacement, leading to the Nansen Initiative in 2012. This initiative focuses on understanding cross-border displacement and developing best practices for protecting displaced populations.

From 2013 to 2014, the Advisory Group on Climate Change and Human Mobility worked to improve knowledge of mobility caused by climate change and contributed to the UNFCCC process, particularly on the Loss and

<sup>14</sup> UNHCR's Engagement in Situations of Internal Displacement, UNHCR (2024), <https://emergency.unhcr.org/protection/protection-principles/unhcr%E2%80%99s-engagement-situations-internal-displacement> (last visited Jan 26, 2025).

<sup>15</sup> DAC Recommendation on the Humanitarian-Development-Peace Nexus, *supra* note 7.

<sup>16</sup> *Id.*

<sup>17</sup> IASC Framework on Durable Solutions for Internally Displaced Persons | IASC, <https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons> (last visited Jan 26, 2025).

<sup>18</sup> *Id.*

<sup>19</sup> Addressing Climate Change, THE ROCKEFELLER FOUNDATION, <https://www.rockefellerfoundation.org/fellowships-convenings/bellagio-center/convenings/addressing-climate-change/> (last visited Jan 26, 2025).

<sup>20</sup> *Id.*



Damage mechanism. Additionally, UNHCR participated in the Working Group on Climate Change (WGCC), advising on strategic priorities related to climate-induced displacement<sup>21</sup>.

In 2014, UNHCR, in partnership with the Brookings Institution and Georgetown University, organized a consultation on planned relocation due to disasters and climate change. Although the consultation produced recommendations on relocation practices, it did not create a comprehensive guide for states. Following this, UNHCR contributed to publications advocating for the inclusion of planned relocation in National Adaptation Plans (NAPs). UNHCR continues to collaborate on advancing these issues.<sup>22</sup>

## 2) International Organization for Migration (IOM)

The International Organization for Migration (IOM)<sup>23</sup> advocates for a comprehensive, rights-based approach to managing migration, particularly in the context of environmental degradation, climate change, and natural disasters. Recognizing the interconnection between migration, climate change, and human security, the IOM emphasizes that migration can serve as an adaptive response to environmental challenges if effectively managed.

The organization supports states, migrants, and other stakeholders in creating evidence-based policies and practices that prioritize migrant well-being. Acknowledging that climate change and disasters are already driving migration and that these issues will likely intensify, the IOM is committed to fostering inclusive, multilateral collaboration. Its goal is to ensure migration is managed humanely and systematically while addressing climate-related challenges and providing assistance to those displaced by environmental factors.

The IOM's 2021-2030<sup>a</sup> Institutional Strategy on Migration, Environment, and Climate Change is designed to enhance the organization's capacity to address migration in the face of climate-related issues. This strategy aligns with global frameworks such as the 2030 Agenda for Sustainable Development, the Paris Agreement, and the Global Compact for Safe, Orderly, and Regular Migration<sup>24</sup>. Rooted in human rights principles, it is also relevant to the Humanitarian, Development, and Peace Nexus (HDPN)<sup>25</sup>.

The IOM's migration mandate provides guidance to national, regional, and local stakeholders on migration policy, emphasizing inclusive and migrant-centred solutions. It addresses various forms of migration, including displacement, labour migration, and rural-to-urban migration. Additionally, the IOM highlights the significance of migration governance—encompassing border management, visas, consular services, and planned relocations—as a key element in tackling climate-related migration challenges.

Another critical aspect of the strategy is its effort to shift negative perceptions of migration, encouraging states to leverage migration as a tool for climate adaptation and sustainable development. The overarching aim is to

<sup>21</sup> Climate action, GLOBAL FOCUS, <https://reporting.unhcr.org/global-report-2023/focus-areas/climate-action> (last visited Jan 26, 2025).

<sup>22</sup> Migration, Displacement and Planned Relocation | UNHCR India, <https://www.unhcr.org/in/news/analysis/editorials/migration-displacement-and-planned-relocation> (last visited Jan 26, 2025).

<sup>23</sup> International Organization for Migration | IOM, UN Migration, <https://www.iom.int/> (last visited Jan 26, 2025).

<sup>24</sup> International migration law, INTERNATIONAL ORGANIZATION FOR MIGRATION, <https://www.iom.int/international-migration-law> (last visited Jan 26, 2025).

<sup>25</sup> Doctors without borders | The Practical Guide to Humanitarian Law, <https://guide-humanitarian-law.org/content/article/3/international-organization-for-migration/> (last visited Jan 26, 2025).

establish a continuous process of evidence-based policy-making and practical action to improve migration outcomes in the context of environmental and climate change.

### **Initiatives and Achievements:**

- IOM adopted a "New Way of Working"<sup>26</sup> during the 2016 World Humanitarian Summit, focusing on reducing risks and vulnerabilities while addressing immediate humanitarian needs<sup>27</sup>.
- IOM co-leads the UN Partnership on Capacity for Disaster Reduction Initiative (CADRI) alongside UNDP,<sup>28</sup> a global initiative aimed at minimizing climate and disaster risks in alignment with the Sustainable Development Goals (SDGs).

The Strategy aims to strengthen IOM's global role by aligning its efforts with these frameworks and enhancing collaboration with UN entities, governments, civil society, and other stakeholders.

- IOM contributes to the International Migration Review Forum (IMRF)<sup>29</sup> and fosters innovative joint initiatives through platforms like the Start-Up Fund for Safe, Orderly, and Regular Migration.

### **In Countries like :**

- Africa, it facilitated the signing of the Kampala Continental Declaration<sup>30</sup> to enhance collaboration in tackling climate change challenges, particularly in Least Developed Countries (LDCs).
- In Asia-Pacific, IOM focused on mitigating the effects of climate change on Pacific nations through the adoption of a regional Climate Mobility framework<sup>31</sup>.
- In the Americas and the Caribbean, IOM Supported the integration of human mobility into National Adaptation Plans and Nationally Determined Contributions (NDCs) in countries like Mexico, Uruguay, Ecuador, and Chile, advancing efforts under the Los Angeles Declaration.<sup>32</sup>

Further, IOM has gained recognition under the Paris Agreement for addressing the link between climate change and human mobility, with significant progress achieved at COP27. It advocates for migration as a safe, organized, and effective adaptation strategy to support vulnerable populations impacted by climate change.

### **c) European Union (EU)**

<sup>26</sup> The New Way of Working | Joint Steering Committee to Advance Humanitarian and Development Collaboration, <https://www.un.org/jsc/content/new-way-working> (last visited Jan 26, 2025).

<sup>27</sup> Perret, Liam. Operationalizing the Humanitarian–Development–Peace Nexus: Lessons learned from Colombia, Mali, Nigeria, Somalia and Turkey. IOM, Geneva.

<sup>28</sup> Capacity Disaster Reduction Initiative | IOM, UN Migration | IOM Regional Office for West and Central Africa, <https://rodakar.iom.int/capacity-disaster-reduction-initiative-cadri> (last visited Jan 26, 2025).

<sup>29</sup> *United Nations high-level dialogue on International Migration and Development (HLD) International Organization for Migration*. <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld>

<sup>30</sup> Alicia Scodanibbio, *Climate Justice and Human Mobility: Bridging EU Commitments and Policies*, EGMONT POLICY BRIEF 347 (2024), <https://www.egmontinstitute.be/>.

<sup>31</sup> Mohammed Muse, *Pacific Regional Framework On Climate Mobility*.

<sup>32</sup> WIM\_ExCom\_human-mobility\_TFD\_2024.pdf, [https://unfccc.int/sites/default/files/resource/WIM\\_ExCom\\_human-mobility\\_TFD\\_2024.pdf](https://unfccc.int/sites/default/files/resource/WIM_ExCom_human-mobility_TFD_2024.pdf) (last visited Jan 26, 2025).

Although the European Union (EU) has long acknowledged the connection between migration and climate change, its strategy has mostly been influenced by security considerations rather than providing direct safeguards for those who have been displaced by climate change. The 2008 Solana Report, which presented climate-induced migration as a security concern, reaffirmed the 1999 European Parliament's identification of "environmental refugees" as a critical humanitarian and security issue. The necessity of a comprehensive migration policy was underscored in the 2009 European Commission White Paper on Climate Adaptation, which also highlighted the threats that environmental concerns pose to security. Nevertheless, in spite of these early recognitions, EU measures have mostly addressed external security and resilience rather than the legal status of climate migrants.

Climate change is a major cause of migration, wars, food shortages, and displacement, according to initiatives like the European Green Deal. If little is done, it is predicted that there would be between 25 million and 1 billion climate migrants by 2050. By supporting regional development and global climate policy, the Green Deal aims to address the underlying causes of climate migration<sup>33</sup>. It also aims to achieve climate neutrality by 2050 in order to reduce the danger of internal displacement. Furthermore, as part of its climate response, the EU has prioritized biodiversity restoration; a planned Nature Restoration Law seeks to reduce biodiversity loss and avert ecological collapse. Enhancing ecosystems' resilience is another goal of the EU's biodiversity plan for 2030, which supports larger initiatives to counteract climate change and its ripple effects<sup>34</sup>.

Predictions about possible mass migration to Europe are reflected in EU initiatives that continue to place a heavy emphasis on averting displacement, despite resolutions from the European Parliament in 2017 and 2021 calling for tougher steps to address climate-induced displacement and integrate human rights safeguards. This security-centric strategy frequently ignores chances to address environmental injustice and advance fairness. The EU may fulfil its historical and environmental obligations by adopting climate justice principles, which would promote global solidarity and fairness by implementing more equitable policies.

## **INDIA**

India, with its diverse terrain encompassing the Himalayas, arid deserts, coastal regions, and the Sundarbans, experiences at least one extreme weather event every month, making it highly susceptible to natural disasters such as floods, cyclones, and saltwater intrusion which will affect a large number of people due to high population density and poor urban planning. According to the Internal Displacement Report between 2008 and 2019, environmental disasters displaced 3.6 million people, with 590,000 displaced in 2019 alone<sup>35</sup>. The survey of National Disaster Management Authority more than half of the states of India are prone to disasters. As a comparatively more economically stable nation, India is likely to witness a significant influx of climate migrants. Neighbouring countries like Bangladesh, Afghanistan, and Pakistan, which are more vulnerable to the effects of climate change, may also contribute to cross-border migration into India. Apart from this the Indian

<sup>33</sup> Ama Francis, *Global Governance of Environmental Mobility: Latin America & the Caribbean*.

<sup>34</sup> Addressing Climate Change, *supra* note 19.

<sup>35</sup> India: Migration from climate change getting worse – DW – 04/19/2023, DW.COM, <https://www.dw.com/en/india-migration-from-climate-change-getting-worse/a-65369043> (last visited Jan 26, 2025).

economy is deeply reliant on climate-sensitive sectors like agriculture, which are already under significant strain, and the arrival of climate-induced migrants could further intensify these challenges<sup>36</sup>. This phenomenon is driving both internal and international migration, with Census 2011 reporting approximately 400 million internal migrants, accounting for one-third of India's population, and World Bank data indicating 11.4 million international migrants, emphasizing the immense scale of the challenge<sup>37</sup>.

### **Initiatives:**

Although climate change is widely discussed in international law, it is not specifically defined under Indian law. However, the concept of "climate systems" in the United Nations Framework Convention on Climate Change (UNFCCC) aligns closely with India's understanding of the "environment." Under Article 21 of the Indian Constitution, the right to life includes protection from both natural and climate-related disasters.<sup>38</sup> The rights-based approach under the Indian Constitution can be used to recognize climate refugees in India. Article 21 applies equally to both citizens and non-citizens (aliens). The principle of non-refoulement, which protects non-citizens from being forcibly returned to a country where they face harm, is also guaranteed under Article 21.<sup>39</sup> Deportation can only take place following the procedure established by law. The application of this legal framework could provide protection for non-citizens as "climate refugees" in India. Although there is no national climate-related refugee legislation in India, the Indian courts have started to address climate-related challenges within this constitutional framework. For instance, in *M.K. Ranjitsinh v. Union of India* (2024)<sup>40</sup>, the Supreme Court affirmed that citizens have a right to protection from the adverse effects of climate change under Articles 21 (right to life) and 14 (right to equality), emphasizing the need to balance this right with the rights of affected communities, including protection against displacement. Similarly, in *Arvind Kumar v. Union of India*<sup>41</sup>, the Patna High Court ruled that disasters such as flooding infringe upon the right to life under Article 21 and hinder the right to livelihood and work under Article 41. The Bombay High Court, in *Sushil Ratnakar Nimbalkar v. State of Maharashtra*<sup>42</sup>, recognized the severe impact of flooding on lives, property, and livelihoods, linking these issues to constitutional rights. These cases suggest that the constitutional framework, particularly the right to life under Article 21, could potentially extend protection to climate migrants, although this has not yet been tested for non-citizens. In 2022, a Private Members' Bill called *The Climate Migrants (Protection and Rehabilitation) Bill*<sup>43</sup> was introduced to establish a policy framework for protecting and rehabilitating internally displaced climate migrants. The primary focus of this bill is on immediate relief by emphasizing on long-term

<sup>36</sup> Climate Refugees in India: Seeking Security between Disaster Diplomacy and Strategic Ambiguity | International Studies Review | Oxford Academic, <https://academic.oup.com/isr/article-abstract/26/3/viae033/7725549?redirectedFrom=fulltext> (last visited Jan 26, 2025).

<sup>37</sup> Andrew Baldwin, Christiane Fröhlich & Delf Rothe, *From Climate Migration to Anthropocene Mobilities: Shifting the Debate*, 14 MOBILITIES 289 (2019).

<sup>38</sup> Haris Umar, Saim Farooqui, *Environmental Constitutionalism as Bedrock of Environmental Governance: Right-Duty Relationship in Various Constitutions*, 26 ALJ 249 (2018).

<sup>39</sup> Gurdeep Singh, *Paris Climate Agreement: A Victory or Defeat of Climate Justice*, 1 RMLNLJ (2015).

<sup>40</sup> Writ Petition (Civil) No 838 of 2019

<sup>41</sup> *Arvind Kumar v. Union of India*, SC/0907/(2016)(India)

<sup>42</sup> *Sushil Ratnakar Nimbalkar v. State of Maharashtra*<sup>42</sup>, MH/2279/ (2020) (India)

<sup>43</sup> Explained | What is the newly introduced Climate Migrants (Protection and Rehabilitation) Bill in Parliament all about - Climate Fact Checks, (Dec. 26, 2022), <https://climatefactchecks.org/explained-what-is-the-newly-introduced-climate-migrants-protection-and-rehabilitation-bill-in-parliament-all-about/> (last visited Jan 26, 2025).



rehabilitation for climate migrants. It addresses both sudden disasters, such as floods and cyclones, as well as gradual environmental changes, including droughts, erosion, glacier melting, and desertification. The bill formally defines climate migrants and proposes the establishment of a dedicated rehabilitation fund. It also calls for the creation of an inter-ministerial authority at both national and state levels to monitor climate risks, prevent forced migration, provide necessary relief, and ensure proper resettlement and rehabilitation<sup>44</sup>. Additionally, the bill outlines various rehabilitation measures, including land grants, livestock aid, and access to communal resources such as forests and water bodies, to support displaced communities. Recognizing the absence of specific legal provisions protecting the rights of climate migrants in India, the bill highlights the urgent need for a comprehensive legal framework to safeguard their interests. Furthermore, to prevent future displacements, it advocates for the implementation of policies aimed at protecting vulnerable communities from climate-related threats while ensuring their rights and stability. However, the bill did not address the issue of cross-border climate migration, leaving a significant gap in the protection of international climate refugees<sup>45</sup>.

India established itself as a significant participant in global climate negotiations by actively engaging with the United Nations General Assembly (UNGA) Resolution 44/207 in 1989<sup>46</sup>. It promptly articulated its position and forged a strong alliance with other Southern or developing nations, emphasizing the need for equitable responsibility in combating climate change.

At the 1990 New Delhi 'Conference of Select Developing Countries on Global Environmental Issues,' India outlined its viewpoint, asserting that developed nations should bear the primary responsibility for reducing greenhouse gas (GHG) emissions due to their historical contribution as major emitters. India further argued that developing nations, which have comparatively low emissions, should not be held to emission reduction objectives since they instead prioritize food security and economic growth. India also emphasized the need for financial aid and technology transfer clauses in any climate deal to help developing countries with their adaptation and mitigation initiatives.<sup>47</sup>

India's National Action Plan on Climate Change (NAPCC), which was introduced in 2008, has eight distinct missions to address the issues of adaptation and mitigation. India made significant progress toward its pre-2020 climate targets by submitting its Second Biennial Update Report (BUR) to the UNFCCC in 2018, noting a 21% decrease in GDP emission intensity from 2005 to 2014<sup>48</sup>.

### **Shortcomings:**

<sup>44</sup> *Id.*

<sup>45</sup> *refugeelawinitiative, Recognition of Climate Refugees: What Should Be India's Stand?*, REFUGEE LAW INITIATIVE BLOG (2021), <https://rli.blogs.sas.ac.uk/2021/03/18/recognition-of-climate-refugees-what-should-be-indias-stand/> (last visited Jan 11, 2025).

<sup>46</sup> Protection of global climate for present and future generations of mankind :, <https://digitallibrary.un.org/record/82494?ln=en> (last visited Jan 26, 2025).

<sup>47</sup> Robert McLeman & François Gemenne, *Platform on Disaster Displacement, Follow-up to the Nansen Initiative*, in ROUTLEDGE HANDBOOK OF ENVIRONMENTAL DISPLACEMENT AND MIGRATION 421 (Robert McLeman & François Gemenne eds., 1 ed. 2018), <https://www.taylorfrancis.com/books/9781317272250/chapters/10.4324/9781315638843-34> (last visited Jan 26, 2025).

<sup>48</sup> Fred H. Besthorn & Erika Elizabeth Meyer, *Environmentally Displaced Persons*, 11 CSW (2019), <https://ojs.uwindsor.ca/index.php/csw/article/view/5836> (last visited Jan 26, 2025).

India presently lacks a robust framework to safeguard climate refugees or migrants. Furthermore, there is no institutional authority in India that is intended to suggest issues pertaining to refugees. The country's refugee protection system is disjointed and depends on a mix of administrative procedures, court decisions, and antiquated legislation like the Foreigners Act, 1946, which gives the central government control over foreigners' entry, stay, and departure, and the Registration of Foreigners Act, 1939, which establishes guidelines for foreigner registration in India. However, these rules do not address the special difficulties created by climate-induced migration.<sup>49</sup>

Furthermore, neoliberal economic policies that place a higher focus on self-enterprise than social welfare have a significant impact on India's regulatory approach, which places less emphasis on protecting climate refugees. When it comes to handling refugee matters, including protecting Rohingya refugees, the Ministry of Home Affairs (MHA) is a key player. However, judgments are frequently made based on subjective standards without explicit or uniform procedural protections. This system breeds uncertainty by treating refugees differently based on their circumstances, place of origin, and political climate. There is no specialized administrative institution to govern or protect refugees, and there are no consistent guidelines for assessing refugee status or processing asylum petitions.<sup>50</sup>

### **Challenges faced by India**

#### **a) Urbanization**

- **Population Growth:** India's urban population is expected to increase from about 300 million to over 700 million people over the next 40 years, with about 70 cities having more than one million inhabitants by 2025. This represents one of the biggest settlement transformations in the country's history. It is anticipated that major cities like Delhi, Kolkata, and Mumbai will be among the world's most densely populated locations.<sup>51</sup>
- **Infrastructure Challenges:** Overcrowding, poor infrastructure, water scarcity, and a lack of housing are all made worse by rapid urbanization.
- **Climate Vulnerabilities:** Flooding, sea level rise, and climate-related disasters pose serious threats to coastal cities, placing additional strain on resources and disproportionately affecting migrants who lack access to essential services.
- **Environmental Stress:** Urban areas' capacity to support expanding populations is under jeopardy due to resource deterioration, frequent flooding, and water shortages.
- **Health Risks:** Waterborne illnesses and epidemics like malaria are more common due to poor sanitation and frequent floods, which raises healthcare expenses.
- **Economic Pressures:** As housing, transportation, and employment demands increase, urban infrastructure finds it difficult to keep up, placing additional strain on resources for both locals and migrants.

<sup>49</sup> Architesh Panda, *Climate Refugees: Implications for India*, 45 ECONOMIC AND POLITICAL WEEKLY 76 (2010).

<sup>50</sup> refugeelawinitiative, *Addressing the Legal Void: The Urgent Need for India to Revise Its Laws for Climate Migrants*, REFUGEE LAW INITIATIVE BLOG (2024), <https://rli.blogs.sas.ac.uk/2024/08/28/addressing-the-legal-void-the-urgent-need-for-india-to-revise-its-laws-for-climate-migrants/> (last visited Jan 26, 2025).

<sup>51</sup> India and Bangladesh must address climate migration together | Climate-Diplomacy, (2024), <https://climate-diplomacy.org/magazine/environment/india-and-bangladesh-must-address-climate-migration-together> (last visited Jan 26, 2025).

## b) Climate Migration Issues in India

- **Internal Migration:** The agricultural population of India is significantly impacted by climate-related issues such as floods and droughts. The livelihoods of around 60% of the people are supported by agriculture, which also provides the biomass and ecosystem services necessary for the operation of the majority of Indian cities, although making up only 18% of the country's GDP.<sup>52</sup>
- **Cross-Border Migration:** In search of better prospects, governance, and infrastructure, migrants from nearby nations such as Bangladesh, Pakistan, Sri Lanka, and the Maldives relocate to India, increasing the pressures associated with migration.
- **Resources:** India finds it difficult to accept climate migrants due to its sizable population and constrained financial resources.
- **Policy Gaps:** To address the issues of climate migration, India needs effective sociopolitical impetus and comprehensive refugee law. Homeless, poor, and unemployed people are examples of pre-existing problems that make it more difficult for India to integrate climate migrants.

## c) Legal and Policy Barriers

- **Non-refoulement principle:** The management of climate migrants is made more difficult by India's adherence to the non-refoulement principle, which forbids sending refugees to areas where they could be harmed.
- **Floodgate Concern:** India may become the main destination for displaced people if climate migrants become recognized, which might result in a huge influx.
- **Legal Gaps:** In 2005, the Supreme Court consolidated cases under the Foreigners (Tribunals) Order, 1964, invalidating the Illegal Migrants (Determination by Tribunal) Act, 1983. It did not, however, differentiate between migrants who were motivated by climate change and those who were moving for other reasons.<sup>53</sup>
- **Indian Centre for Migration (ICM) Limited Scope:** The ICM, a research think tank of the Indian government's Ministry of External Affairs, only studies economic transnational migration; it ignores environmental migration, which prevents adequate funding and planning for climate migrants' resettlement.
- **Funding Issues:** India's capacity to provide funds for climate migration solutions is constrained by the lack of strong structures and legislation.

## Role of UNHCR in India

The United Nations High Commissioner for Refugees (UNHCR) manages refugee registration and status determination in India but excludes nationals from Sri Lanka, Tibet, Pakistan, and Bangladesh. Its effectiveness depends heavily on the Indian government's political will, as there are no binding domestic legal frameworks

<sup>52</sup> India — Spotlight, CLIMATE REFUGEES (2022), <https://www.climate-refugees.org/spotlight/tag/India> (last visited Jan 26, 2025).

<sup>53</sup> *refugeelawinitiative, supra* note 50.

to address climate migration. Without comprehensive laws or policies, India faces significant challenges in handling the growing crisis of climate migrants.<sup>54</sup>

## Conclusion

The issue of climate refugees or climate-induced migration has emerged as a pressing challenge in today's world, demanding immediate and coordinated action. Reports estimate that by 2050, around 200 million individuals may be displaced due to environmental changes. A significant concern is that most countries do not legally recognize environmental refugees as a distinct category under the definition of refugees provided in the 1951 Geneva Convention. As a result, they are excluded from the protections and assistance necessary to address this critical issue. The traditional definition of refugees focuses on persecution based on race, religion, nationality, membership in a particular social group, or political opinion, which excludes those displaced by environmental factors. This gap underscores the need for an inclusive approach.

Efforts must extend beyond providing humanitarian aid to those already displaced. Instead, the emphasis should shift toward preventing displacement by tackling the root causes of environmental degradation. International organizations, states, and civil society must collaborate to mitigate contributing factors by promoting sustainable development, reducing greenhouse gas emissions, encouraging reforestation, ensuring equitable access to resources like food, water, and energy, and enhancing resilience to climate-related disasters. Additionally, directing foreign aid to vulnerable and impoverished regions could play a pivotal role in preventing large-scale displacement.

A comprehensive solution might involve developing an international legal framework that acknowledges and protects climate refugees. Rather than amending the 1951 Geneva Convention—which could dilute its essence—or introducing the contentious term "climate refugees," a more neutral and inclusive term like "environmentally displaced persons" could be adopted. This approach could foster global consensus and serve as the foundation for a unified response. Additionally, it is crucial for countries to evaluate their population, resources, and political landscape to develop a structured plan for effectively managing climate-induced migration.

On the other hand, India's approach from the Constitution of Article 21 "right to life" has effectively protected migrants and refugees despite no legal and formal refugee law. However, a centralized and institutional system with a uniform refugee protection with a compassionate and coordinated global regime rather than strict migration policies would help India address challenges like cross – border migration, internally displaced persons and financial aid. It can be achieved through improved cooperation between India and its neighbours, state – level interactions for adapting a more planned relocation and legal protections to climate refugees. Policymakers must enhance the resilience of India's agricultural system to climate change by promoting drought-resistant crops. Governments should take measures to reduce the vulnerability of mega-cities to the

<sup>54</sup> India needs to recognise the rights of climate refugees, INDIA DEVELOPMENT REVIEW, <https://idronline.org/article/climate-emergency/india-needs-to-recognise-the-rights-of-climate-refugees/> (last visited Jan 26, 2025).



impacts of rapid urbanization. Additionally, India requires a long-term financial strategy to support rehabilitation and reconstruction efforts in response to climate-induced disasters.

Thus, recognizing the interconnectedness of environmental degradation, forced migration, and global security is crucial for devising effective policies. An independent international instrument specifically designed to address the needs of environmentally displaced persons could fill existing legal gaps and establish a global commitment to this issue. Such a framework would formalize the recognition of this emerging category while incorporating preventive, adaptive, and responsive measures to safeguard the rights and security of those affected by environmental crises.

