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Climate Refugees vs International Law:

Do international refugee laws address climate-induced displacement?

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Executive Summary

Climate change is now one of the biggest drivers of human displacement worldwide. Rising seas, floods, droughts, and extreme weather are pushing millions of people away from their homes each year. In 2022 alone, over 32 million people were displaced by climate-related disasters. By 2050, the World Bank estimates that 216 million people could be forced to move within their own countries, including nearly 40–45 million in South Asia.

Despite these alarming numbers, the laws that protect displaced people are outdated and incomplete. The 1951 Refugee Convention and its 1967 Protocol protect those fleeing persecution but do not cover people displaced by environmental or climate reasons. Regional agreements, such as the OAU Convention in Africa and the Cartagena Declaration in Latin America, expand the definition slightly, but they are limited in scope and application. Other global efforts like the Sendai Framework, the Global Compact for Migration, and the Nansen Initiative acknowledge climate-related mobility, yet they remain voluntary and non-binding. This leaves climate migrants legally invisible, recognized as vulnerable, but without enforceable rights.

India shows the urgency of this problem. In 2024 alone, it recorded 5.4 million new displacements, mostly from floods and cyclones. However, people displaced by disasters are treated only as temporary victims under the Disaster Management Act, 2005, which focuses on relief rather than long-term rehabilitation. Compensation is inconsistent, and there is no clear system for permanent relocation. A private bill introduced in 2022 to recognize and support climate migrants is a welcome step, but it has yet to become law.

This report argues for urgent reforms: legal recognition of climate migrants, stronger national laws, better financing for rehabilitation, and greater regional and international cooperation. Protecting people displaced by climate change is not only a humanitarian duty but also a question of fairness and justice.



Introduction

Rising seas, intensifying floods, and prolonged droughts are no longer abstract forecasts of climate science. They are unfolding crises that have already forced millions to abandon their homes. From coastal erosion in the Sundarbans to the recurrent floods in Punjab and Bihar, India has witnessed how climate change forces local communities to move. Yet, this is not a uniquely Indian story. Across the world, climate-induced displacement has emerged as one of the most pressing humanitarian and legal challenges of the twenty-first century.

Climate-related displacement involves the migration of people due to environmental destruction and climate variability, both sudden and slow-onset. Climate-related disasters displaced over 32 million people in 2022, as reported by the Internal Displacement Monitoring Centre (IDMC)[1], and most of those people were from South Asia. The World Bank estimates 216 million people will have been internally displaced due to climate-related causes by 2050[2], and over 40 million of those people will be in South Asia alone. These statistics highlight that climate mobility is not a peripheral matter but one of core significance for development, human rights, and international security.



However, there is discord between this new reality and existing law. The 1951 Refugee Convention[3] and 1967 Refugee Protocol[4], still influential in international refugee law, were negotiated to protect those fleeing persecution, not those fleeing rising seas or crumbling ecosystems. As such, “climate refugees” live in a definitional void: they are neither recognized as refugees in law nor as migrants in classical migration terms. At the national level, India, one of the most climate-exposed countries, has no specific refugee law, and displacement is addressed as mere temporary relief under existing disaster management frameworks. The legal and policy gap leaves millions without durable recognition and protection.

This report critically addresses this gap. The report examines the causes and scope of climate-induced displacement, analyzes the limits of international and national protection regimes, and reviews innovations and best practices in India and across the globe. In conclusion, the report aims to promote policy and legal proposals to address the urgent need to protect human dignity in times of climate emergencies.



Chapter 1

Understanding Climate-Induced Displacement

A. Origins of the Concept

The idea of “climate-induced displacement” has evolved gradually at the intersection of environmental science, migration studies, and international law. Early debates in the 1970s and 1980s revolved around “environmental refugees,” a term popularized by Lester Brown[5] and later by Essam El-Hinnawi in his 1985 United Nations Environment Programme (UNEP) report.[6] El-Hinnawi defined environmental refugees as “people forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption.” While the terminology brought global attention to the issue, it was criticized for lacking precision and legal standing under international refugee law.

In the 1990s, scholars such as Norman Myers attempted to quantify the phenomenon, projecting that climate change could displace up to 200 million people by 2050.[7] These estimates, though contested, spurred further inquiry into the nexus between environmental stress and human mobility. The Intergovernmental Panel on Climate Change (IPCC) later institutionalized the discourse by highlighting “climate change as a driver of migration and displacement” in its assessment reports.[8]

Gradually, the framing shifted from “environmental refugees” to “climate-induced displacement” or “climate mobility.” This change reflected both conceptual refinement and political caution.



While the term “refugee” carries specific legal connotations under the 1951 Refugee Convention, “displacement” captures a broader spectrum of forced and semi-voluntary movements, including internal displacement, cross-border migration, and planned relocation. Today, climate-induced displacement is understood not as an isolated phenomenon but as part of the wider human consequences of global warming.

B. Scale of Climate-Induced Displacement: Global and Indian Context

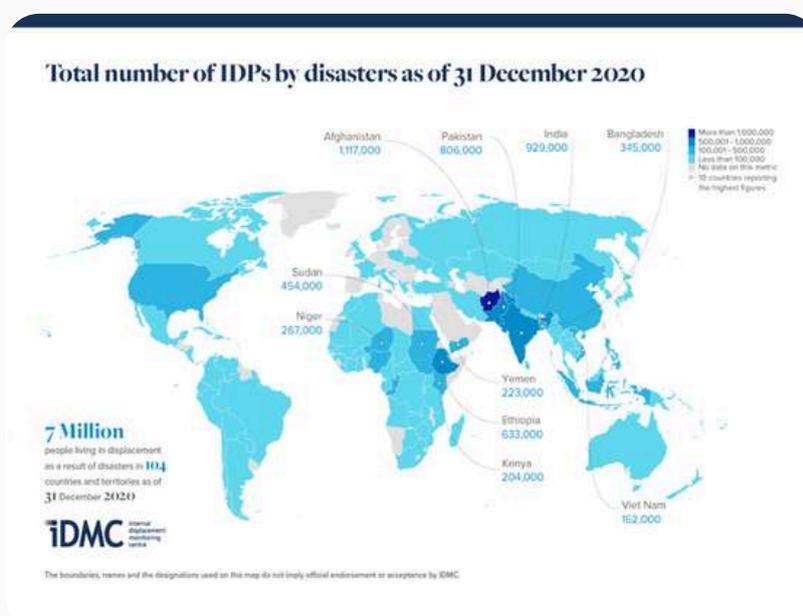
The scale of climate-induced displacement has reached historic levels, transforming climate change from an environmental concern into a humanitarian and governance crisis. Today, disasters account for the overwhelming majority of internal displacements worldwide. In 2023 alone, disasters triggered 26.4 million new displacements across 148 countries, marking the third-highest figure recorded in the last decade. By the end of 2024, nearly 46 million people were displaced due to disasters and conflict, the highest number since systematic records began. Almost all of these movements, over 99 percent, were caused by climate and weather-related events, highlighting that climate change has become the central driver of forced mobility.[9]

Globally, the burden of displacement is uneven but consistently severe across regions. Sub-Saharan Africa accounted for nearly half of all internally displaced persons in 2023, with droughts and recurrent floods uprooting millions. South Asia remains acutely vulnerable, with millions displaced annually and projections suggesting that 40 million people in the region could become climate migrants by 2050.[10] The Middle East and North Africa experienced record-high displacements as extreme weather compounded by conflict created protracted humanitarian crises.

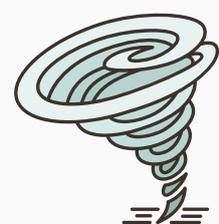


In East Asia and the Pacific, countries such as China, the Philippines, and Myanmar continue to report some of the largest single-country displacements worldwide due to typhoons, monsoon floods, and storms.

The historical record shows that the scale of displacement is accelerating. Between 2008 and 2023, disasters caused more than 359 million internal displacements globally, an average of about 22.4 million per year.[11] While sudden-onset events such as floods and storms dominate these figures, slow-onset processes like sea-level rise, desertification, and prolonged droughts are steadily driving long-term migration pressures. Climate change is thus not only creating immediate humanitarian emergencies but also reshaping demographic patterns over decades.



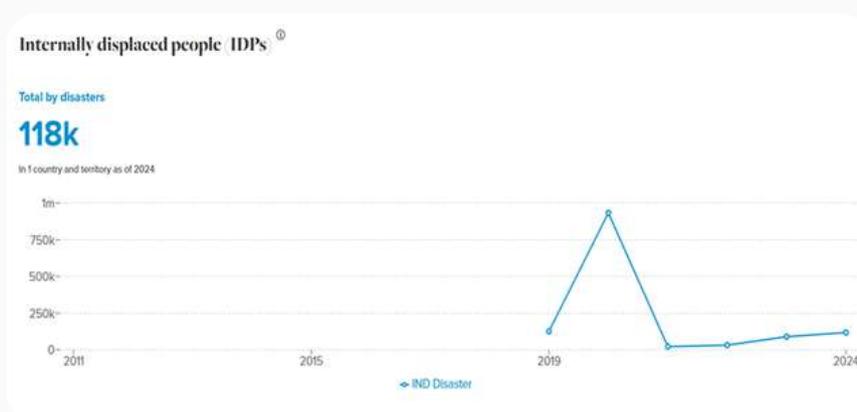
India stands out as one of the epicenters of climate-induced displacement. The country recorded 5.4 million internal displacements in 2024 alone, the highest in twelve years, with floods accounting for nearly two-thirds of the total. In 2022, 2.4 million people were displaced, primarily by floods and cyclones. Over the past decade, India has consistently ranked among the top five countries worldwide for disaster-related displacement.



The drivers of India's displacement are region-specific. In the Indo-Gangetic plains, particularly Bihar and Assam, recurrent monsoon floods displace millions annually. In Bihar, more than three-fourths of districts are flood-prone, making displacement an expected annual reality. Assam faces not only seasonal floods but also long-term riverbank erosion along the Brahmaputra, which renders thousands of families landless each year. Coastal regions such as Odisha and West Bengal experience recurring devastation from cyclones, while the Sundarbans delta is losing habitable land to rising seas and saline intrusion.



Looking ahead, projections suggest that by 2050, as many as 45 million Indians may be forced to migrate internally due to climate pressures. Unlike short-term evacuations, these movements are likely to be permanent, reshaping patterns of urbanization, labour markets, and social cohesion.



C. Drivers of Climate Displacement

Climate-induced displacement does not result from a single event but from the interaction of ecological shocks with poverty, governance gaps, and inequality. Globally and in India, the drivers can be understood as sudden-onset disasters, slow-onset environmental change, and livelihood insecurities.

Sudden-onset disasters remain the most visible triggers. According to the Internal Displacement Monitoring Centre (IDMC), disasters accounted for 23.7 million new displacements worldwide in 2022, with Asia and the Pacific the hardest-hit region. Cyclones, floods, and typhoons dominate these numbers: the Philippines, Pakistan, and China recorded millions displaced in a single year. India alone reported 5.4 million displacements in 2024, with recurrent monsoon floods in Bihar and Assam and cyclones along the Bay of Bengal coastline uprooting families year after year. What begins as an emergency evacuation often turns into permanent migration when farmland, homes, and infrastructure are destroyed beyond repair.[12]

Slow-onset environmental change is steadily reshaping habitability. Rising sea levels threaten to submerge small island states such as Kiribati and Tuvalu and are already eating into the coastlines of Bangladesh and India's Sundarbans. Desertification in the Sahel and Horn of Africa is shrinking arable land, while in India, the share of degraded land rose from 4.42% to 9.45% between 2015 and 2019, affecting over 30 million hectares. Melting glaciers in the Himalayas have raised the risk of glacial lake outburst floods (GLOFs), exemplified by the 2023 Sikkim disaster that displaced thousands. These processes generate long-term pressures that push rural families to abandon ancestral land.[13]



Livelihood and Resource Insecurities link environmental change directly to migration decisions. Globally, climate change threatens agriculture-dependent economies across Sub-Saharan Africa and South Asia, where rainfall variability reduces yields and undermines food security. Fisheries in the Pacific and Indian Oceans face saline intrusion and coral reef collapse, eroding traditional livelihoods. In India, agriculture, fisheries, and pastoralism remain highly climate-sensitive; disasters in 2022 alone caused economic losses of USD 7.7 billion, disproportionately affecting small farmers and landless labourers, many of whom often migrate to cities for survival.

Taken together, these drivers are layered and mutually reinforcing: sudden-onset disasters push people out abruptly, slow-onset processes quietly undermine habitability, and socio-economic vulnerabilities ensure that shocks cascade into long-term, often irreversible migration. Any meaningful policy response must recognise this complexity, and address the multiple, intersecting drivers of displacement.



Chapter 2

Legal and Policy Challenges in Protecting Climate Refugees

When people are forced to move because of climate change, their struggle is not only with the floodwaters, drought, or storms, but also with the law itself. Unlike refugees fleeing war or persecution, climate migrants fall into a legal vacuum. The frameworks we rely on for protection, including refugee law, disaster management policies, and migration systems, fall short of offering comprehensive protection to those displaced by climate change. This leaves millions of displaced people without clear recognition, protection, or entitlements. The problem shows up most clearly in three areas: how we define refugees, how the international community has responded, and how funding and governance play out in practice, especially in countries like India.

A. Definitional Gaps: The Missing Category

The 1951 Refugee Convention, born out of the Second World War and later expanded by the 1967 Protocol, remains the cornerstone of refugee protection. But its definition of “refugee” is narrow: it covers people who flee across a border because of a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership of a particular social group. That definition is silent on environmental collapse: If your village in Bangladesh is submerged by rising seas, or if a cyclone forces you out of Odisha, you are not legally a refugee. At best, you are an irregular migrant or a disaster victim.[14]

This is not merely semantic. Legal definitions determine who is visible to states, who can access asylum procedures, and who can demand non-refoulement (the right not to be returned to danger). Climate-displaced people consequently fall through the cracks of this system.



UNHCR recognizes this tension between climate displacement and the refugee regime but has taken a cautious approach. It uses terms such as “persons displaced in the context of disasters and climate change.” Instead of rewriting the Convention, it promotes temporary or discretionary pathways such as humanitarian visas, temporary protection, or complementary labour routes. These measures are useful stopgaps, but they are discretionary, depending entirely on whether a country is willing to offer them. They are not enforceable rights.[15]

Some regions have experimented with broader and more inclusive definitions. The 1969 OAU Refugee Convention (Africa) and the 1984 Cartagena Declaration (Latin America) have expanded the protection to include people fleeing “events seriously disturbing public order.” This language could, in principle, cover disaster-driven movements. In practice, however, these frameworks are unevenly applied and remain geographically limited.[16]

For India, the difficulty is compounded. India is not a signatory to the 1951 Refugee Convention and its 1967 Protocol. Further, it has no comprehensive national refugee law of its own. Refugees and asylum seekers are dealt with under the Foreigners Act, 1946, which makes no distinction between a tourist overstaying a visa, an asylum seeker fleeing persecution, or a family escaping floods across the border. Climate migrants are legally invisible.

Even internally displaced citizens have no special recognition: families displaced by the Brahmaputra’s erosion, Bihar’s floods, or the Sundarbans’ salinisation are categorized as disaster victims, given temporary relief, and then left to rebuild on their own. In many cases, they return to the same unsafe locations because there is no system of permanent relocation. The absence of a category means the absence of durable solutions.[17]



B. International Frameworks: Recognition Without Rights

At the global level, the recognition of climate-linked mobility has grown, but binding rights have not followed.

The Guiding Principles on Internal Displacement (1998), and the Sendai Framework for Disaster Risk Reduction (2015–2030) both acknowledge the link between disasters and human displacement. But they are voluntary, soft-law instruments where States are encouraged, not compelled, to follow them.[18]

The Global Compact for Safe, Orderly and Regular Migration (2018) was the first UN document to explicitly recognize climate change as a driver of migration. [19] It calls for better planning, stronger protection, and pathways for safe movement, but it too is non-binding.

The Nansen Initiative (2012–15) and its successor, the Platform on Disaster Displacement, have gone further, focusing specifically on cross-border displacement caused by disasters. They offer practical policy options, like temporary protection status or bilateral agreements for movement. But again, the gap remains: these remain mere guidelines, rather than law.[20]

Climate negotiations under the UNFCCC have taken a different route, focusing on finance and adaptation rather than legal status. The Warsaw International Mechanism on Loss and Damage, the Task Force on Displacement, and most recently, the Loss and Damage Fund created at COP27–28, all acknowledge that climate impacts displace people. But their solutions are financial: funds to help countries recover, adapt, and manage climate-related mobility. For individuals on the move, this means little as they cannot claim rights through these funds.



India participates in these forums, but carefully. For example, with Bangladesh facing the risk of millions displaced by sea-level rise, India is reluctant to commit to frameworks that could translate into obligations to accept cross-border climate migrants. Instead, Indian diplomacy treats climate migration as a humanitarian and development issue, or at times, a security concern. The focus remains on strengthening borders and providing disaster relief rather than establishing rights-based pathways for displaced people.

C. Funding and Governance Gaps: Relief Without Rehabilitation

Even when frameworks exist, they are undermined by inadequate funding and weak governance.



Globally, humanitarian financing is largely short-term and reactive. The largest share of funding still goes to immediate relief like tents, food, and water. Long-term solutions like building safe housing, restoring livelihoods, or supporting planned relocation remain chronically underfunded. The Loss and Damage Fund is a breakthrough in principle, but the pledges so far are a drop in the ocean compared to the scale of need. Estimates run into tens of billions annually; while actual commitments are only in the hundreds of millions.



India mirrors these gaps. The Disaster Management Act, 2005, created a framework for preparedness, response, and relief. But its emphasis is on emergency aid, not long-term sustained rehabilitation. Compensation for crop loss, housing grants, or ex gratia payments are offered, but these are ad hoc and vary widely across states. There is no statutory entitlement to permanent resettlement.[21]

Institutional fragmentation makes matters worse. The Ministry of Home Affairs handles disaster response, the Environment Ministry oversees climate policy, and rehabilitation is often left to the Ministry of Rural Development or state governments. This division of responsibilities creates bureaucratic silos, leaving displaced families shuttled between departments, with no single authority responsible for their long-term recovery.

The effects are visible on the ground. In Assam, families displaced by Brahmaputra erosion often rebuild on the same shifting sands because relocation land is rarely allotted. In Odisha and West Bengal, coastal villages are evacuated after cyclones, but advance planning for permanent relocation is limited. In urban areas, migrants displaced from rural livelihoods by floods or droughts end up in informal settlements, where they are excluded from welfare schemes and remain vulnerable to further disasters.

There is also a deep equity gap. As studies by the European Parliamentary Research Service and Indian field research show, disasters worsen pre-existing inequalities. Relief distribution often bypasses the most marginalized. Dalits, Adivasis, women, and landless labourers bear the heaviest costs. Adaptation projects, too, can deepen inequality for instance, embankments or coastal infrastructure may protect wealthier areas while leaving poorer communities exposed. Climate displacement thus intersects with caste, class, and gender injustice, transforming natural hazards into social catastrophes.



Chapter 3

Innovations and Best Practices Across India and the Globe

While climate displacement is often framed in terms of vulnerability, recent years have seen important innovations across India and the world. These efforts legal, institutional, and community-driven remain uneven, but they illustrate pathways toward more effective protection.

A. Legal and Institutional Innovations

International refugee law remains silent on climate-induced displacement. The 1951 Refugee Convention excludes environmental factors, prompting Pacific Island nations to call for either its amendment or the creation of a new UN treaty on climate refugees. Latin America's Cartagena Declaration, which extends refugee definitions to those fleeing events disturbing public order, provides a regional precedent.

Indian scholars Sudhir Rajan and Sujatha Byravan have proposed a framework grounded in justice: climate migrants should be protected under non-refoulement, and hosting responsibilities distributed according to cumulative greenhouse gas emissions. Their notion of "climate exile" reframes displacement as a matter of rights, rather than charity.[22]



India's own Climate Migrants (Protection and Rehabilitation) Bill, 2022 is another step forward. Though still a Private Member's Bill, it defines climate migrants, creates a ₹1,000 crore fund, and envisions a multi-tiered governance structure. Its real significance lies in recognizing climate migration as a rights issue rather than a temporary emergency.[23]

B. India's Adaptive Practices

India has also developed practical responses. The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), with a budget of \$13 billion, supports natural resource management, water conservation, and climate-resilient infrastructure, creating millions of adaptive jobs for marginalized communities.

Disaster preparedness has advanced through multi-hazard early warning systems, particularly in cyclone-prone Odisha and flood-hit Assam, where integration of meteorological data with community drills has saved countless lives. Odisha's cyclone management model is now globally recognized as a best practice.

Finally, India is well placed to promote regional cooperation. Experts suggest bilateral and multilateral frameworks for South Asia, including joint early-warning systems, regional food banks, and shared financing mechanisms to address mobility that inevitably crosses borders.

C. Global Best Practices

Elsewhere, countries have pioneered approaches that India can draw upon. **Bangladesh's** Cyclone Preparedness Programme (CPP), supported by over 76,000 volunteers, uses multi-channel warnings and forecast-based financing to reduce mortality and prevent distress migration.



In the Pacific Islands, **Fiji** has created relocation guidelines identifying entire villages for proactive movement, while **Tuvalu** has experimented with engineering solutions to raise land levels. **Kiribati** has gone further, purchasing land in Fiji for potential future relocation.[24]

New Zealand's Pacific Access Category visas offer quotas for migrants from low-lying islands, one of the few explicit climate-linked pathways, though criticized for restrictive eligibility. The **European Union**, through the Green Deal and Horizon 2020 research programs, has begun integrating climate migration into broader adaptation and partnership strategies.[25]

The **Philippines** provides a rare example of national policy integration. Its Climate Change Action Plan and Disaster Risk Reduction Plan explicitly recognize climate refugees, embed rights-based approaches, and align with global principles on internal displacement.[26]

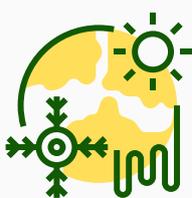
At present, climate-induced migration is managed largely through fragmented measures. Yet the experiments across India and the globe show that solutions are possible. By combining preparedness, adaptation, legal reform, and solidarity, states and communities are gradually shifting the approach from ad hoc relief to structured protection. While challenges remain immense, these practices provide the building blocks for a more comprehensive global response.



Climate-induced displacement has moved from a theoretical concern to an urgent reality. The evidence is now conclusive: tens of millions are uprooted each year by sudden disasters, while slow-onset changes like sea-level rise and desertification steadily erode habitability. Yet, despite this scale, governance remains ad hoc and fragmented. International law, still rooted in the 1951 Refugee Convention, excludes climate migrants altogether. Soft-law instruments like the Sendai Framework or the Global Compact for Migration provide acknowledgement but no enforceable rights. The result is a vast protection gap, where people are recognised as vulnerable but denied durable solutions.

India mirrors this global shortfall. The Disaster Management Act, 2005, and related schemes are designed for short-term relief, not permanent rehabilitation. Compensation for crop loss or housing is often ad hoc and varies across states, while those displaced by floods in Bihar or erosion in Assam are forced back into unsafe areas. The proposed 2022 Climate Migrants Bill represents an important step, but it remains stalled as a Private Member's initiative. At present, India's displaced are citizens without recognition, left to navigate cycles of disaster and rebuilding with little structural support.

Financing also poses a significant obstacle. International climate finance mechanisms, including the Green Climate Fund and the newly established Loss and Damage Fund, remain underfunded and politically contested. Within India, budgets are stretched thin, and there is no dedicated fund for permanent resettlement of those displaced by climate impacts. Without targeted financing, policies remain promises on paper rather than effective instruments of protection. Responsibility-sharing, too, has been avoided at the global level. Wealthy countries most responsible for greenhouse gas emissions resist binding obligations, while vulnerable states are left to carry the burden.



Recommendations

A coherent response must be multidimensional. **Internationally**, a dedicated convention or protocol on climate refugees is required, even if political consensus is difficult. Alternatives such as humanitarian visas, temporary protection, or regional mobility agreements could serve as interim solutions. The principle of proportional responsibility, proposed by Indian scholars, offers a morally sound basis for distributing obligations according to historical emissions.

Nationally, India needs to shift from relief-based frameworks to a rights-based system that recognises climate migrants as a distinct category entitled to housing, livelihoods, and education. Linking programs such as MGNREGA directly to climate-displaced populations can integrate social protection with adaptation.

At the **regional level**, South Asia must confront the inevitability of cross-border mobility. Bilateral agreements, joint early warning systems, and shared food or financing mechanisms can help distribute risks and responsibilities. India, given its size and influence, is well placed to lead such an initiative, which would strengthen both resilience and its own diplomatic standing. Equally critical is the role of communities.



The broader lesson is that climate displacement is not simply a humanitarian emergency but a structural issue of rights and justice. The current patchwork of relief schemes and discretionary visas will not suffice in the face of accelerating pressures. A comprehensive response must weave together international recognition, national law, regional cooperation, adequate financing, and community participation. India cannot solve this challenge alone, but it can set the precedent by enacting its own legislation, embedding migration in adaptation planning, and championing equitable responsibility-sharing globally.

In the end, those displaced by climate change are not passive victims but rights-holders. Protecting their dignity and agency will require moving beyond temporary relief towards durable solutions that balance security with justice. How states respond to this crisis will determine whether climate migration becomes a story of abandonment or of solidarity.



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