

## Journal of Peace, Development and Communication



Volume 07, Issue 04, October-December 2023  
 pISSN: 2663-7898, eISSN: 2663-7901  
 Article DOI: <https://doi.org/10.36968/JPDC-V07-I04-07>  
 Homepage: <https://pdfpk.net/pdf/>  
 Email: [se.jpdc@pdfpk.net](mailto:se.jpdc@pdfpk.net)

<b>Article:</b>	<b>Climate-Induced Migration: A Legal Examination of Victims' Rights in International Law</b>
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<b>Published:</b>	30 <sup>th</sup> December 2023
<b>Publisher Information:</b>	Journal of Peace, Development and Communication (JPDC)
<b>To Cite this Article:</b>	Khan, A. N., Ali, B., & Hafeez, B. (2023). Climate-Induced Migration: A Legal Examination of Victims' Rights in International Law. <i>Journal of Peace, Development and Communication</i> , 07(04), 89–99. <a href="https://doi.org/10.36968/JPDC-V07-I04-07">https://doi.org/10.36968/JPDC-V07-I04-07</a>
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**ABSTRACT**

Environmental disturbance causes dramatic climate-induced migration. Basic survival requires relocation. This study uses transitional legal studies as theoretical framework to examine the complicated interaction between climate-induced migration and international law. Beyond theoretical frameworks, it investigates practical ramifications using legal paradigms, real-world case studies, and concrete solutions. This extensive study aims to advance climate justice and protect environmental displacement victims' rights. Transitional legal studies explain how legal norms change and interact. Based on transitional legal studies, the study examines essential rights applicable to climate-induced migration, such as no refoulement, non-discrimination, and life. The report emphasizes the necessity for a flexible legal framework to manage climate change's changing issues. A detailed analysis of the legal framework reveals successes and areas for improvement, enabling tailored recommendations. The research recommends international legal recognition of climate refugees. An international accord on climate-induced migration suggests a more comprehensive legal revision. Global funding that address adaptation and migration costs assures global accountability. The analysis uses real-world case studies to examine the practical challenges of adapting the present legal system to climate-induced migration. Flexible and sensitive legal solutions are needed after the Carteret Islands and Bangladesh's climate refugees' horrific experiences. The paper analyses the international legal system theoretically and legally and makes practical recommendations to enhance it. These include improving indigenous knowledge integration, capacity building, and interagency coordination and collaboration. The broad data sharing and research programme and regular legislative framework review and adjustment reflect the commitment to evidence-based policy making. This paper concludes by linking theoretical and practical concepts to contribute to the international law discussion on climate-induced migration. These initiatives aim to provide a solid legal framework that protects people's rights and dignity in a rapidly changing world due to environmental displacement.

**Keywords:** Climate induced migration, climate justice, international law, refugee rights, studies of transitional justice

**Introduction:**

Climate change is a unequivocal reality, which has emerged as a formidable force reshaping the global order. Its effects extend far beyond ecological boundaries, delving deep into the complex structure of human societies. Climate change is a global issue which major impacts on nature and civilization. climatic-induced migration refers to non-voluntary movement of people affected by climatic calamities. Climate change and migration are complex issues that need further study. Peatland loss indicates climate change. Increasing sea levels, weather extremes, and ecological disruption drive communities to migrate (Guo Zhang, 2015). Climate change affects people worldwide, forcing cross-border migration. This situation requires a full examination of international climate-based migration law. Kampala treaty Article 5 section IV encourages climate-related migration. To understand climate-driven migration, one must study populations compelled to relocate due to environmental changes. Climate migrants have many problems(Felli 2013). In response, the Nansen project was created to protect displaced persons crossing borders due to natural catastrophes and climate change. Helping the needy is both moral and legal. This study simplifies environmental change-induced forced migration across boundaries. Transitional legal studies are used to examine climate migration law's cross-border application.

This paper seeks to illuminate climate-induced displacement's complex legal challenges. Environmental issues are worldwide, thus this research aims to acknowledge the interconnection of legal norms. This research aims to determine how successfully the international legal system protects climate change-affected migration. Basis for transitional legislation. Many legal doctrines are being examined, including the right to life and non-refoulement. It also examines countries' and the international community's legal obligations and how they are shared and negotiated in the face of this growing global problem. It is clear that creating fair and just solutions requires a thorough understanding of the intricate interplay between environmental changes, legal mandates, and human rights(Berchin, Valduga et al. 2017). This research, inspired by transitional legal studies, aims to advance international legal discourse on climate-related migration. It hopes to break down old borders and show the complexities of a global society dealing with climate change.

Current research revolves around the question that to what extent does the theoretical framework of transitional legal studies inform and shape the rights and protections accorded to victims of climate-induced migration within the international legal framework, and how do these legal norms traverse national boundaries in addressing the transnational nature of environmental displacement? This research endeavors to scrutinize the International legal framework of climate-induced migration particularly focusing on the rights and protections afforded by the receiving states to individuals compelled to migrate due to environmental changes. Using the theoretical framework of transitional legal studies the paper seeks explore the interconnectedness of legal norms beyond traditional national boundaries.

**Methodology**

The research methodology employed in this study follows the doctrinal approach including a systematic analysis of international legal texts, treaties, conventions and relevant scholarly articles (Vranken 2011) . While considering the Saunders Onion Research model, the study adopts a positivist ontology, viewing legal principles and norms as objective entities that can be systematically analyzed within the context of climate-induced migration

while the epistemological stance is objectivist, assuming that there are ascertainable truths within legal texts and doctrines that can contribute to a comprehensive understanding of the research topic (Melnikovas 2018). The research design is primarily doctrinal. The research employs an inductive approach and has been based on primary data consisting of legal texts, conventions, treaties and relevant jurisprudence along with secondary data including scholarly articles, books and reports. The research encompasses an analysis of legal documents over a defined period. Ethical considerations include ensuring accurate representation of legal texts and respecting the intellectual property of copy right holders.

### **Theoretical Framework**

This study employs the Transitional legal studies (TLS, Legrand and Munday 2003) as its theoretical framework. Transitional legal studies provides a useful approach to analyze the legal intricacies of climate based migration within the broader context international law. The framework at hand acknowledges the fluid and interlinked character of legal principles beyond the defined national borders. Transcending the traditional approaches, the transitional legal studies acknowledges the transnational transfer of legal principles and the necessity of adapting legal framework to confront evolving global challenges. Transitional legal studies serves as a conceptual tool conceptualizing the interconnectedness of legal norms and principles in addressing the climate based migration (Ambos 2009). It depicts the understanding of how international legal studies traverse the boundaries, influencing the treatment of migrants across myriad jurisdictions. Transitional legal studies helps analyzing how laws adapt to people moving across borders due to climate change, while acknowledging the intricate challenges of protecting rights in a situation that moves beyond conventional national boundaries. Due to this rationale, the OAU convention of 1969 instituted intra regional measures by extending the definition of refugee via inculcation of Article 1, section ii. The framework of transitional legal studies becomes of particular relevance when examining the international legal mechanism such as the conventions, declarations, treatise and protocols like . example to the declarations in this context can be the Brazzaville declaration. It helps in understanding how these mechanisms interconnect and shape the rights and protections of the climate refugees while considering the fact that legal developments are constantly changing around the world. (fletcher and Weinstein 2015).

### **Rights of Climate-Induced Migrants in International Law**

The rights of individual forced to relocate due to impacts of the climate change are a pivotal element of international legal framework (their protection is crucial component). (Mayer, 2011) The motion delves into essential principles inherit in international law , exploring how they intersect with the challenges presented by climate based migration. By invoking fundamental principles like right to life and non-discrimination, prohibition against refoulement, our aim is to elucidate legal framework that governs the rights of individual impacted by migration due to the climate change. (Mcadam and saul 2009) The principle of non refoulement implanted in international refugee law, discourages the forced return of the individuals to a country where they face risk of persecution. When applied to climate induced migrants, this principle gains enhanced significance, as changing environmental conditions expose vulnerable population to life threatening situations. Examining the interplay between principle of non refoulement and climate based migration reveals complex challenges

associated with safeguarding individuals who seek refuge across borders due to upheavals in the natural environment.

Conversely, the inherent right to life, a foundational element of international human right law, imposes an obligation on states to protect individual from arbitrary deprivation of life (Nucera 2023). Climate induced migration directly threatens this fundamental right as escalating sea levels, severe weather events and scarcity of resources can jeopardize the very survival of effected population. Keeping in view the convergence of right to life with climate induced migration highlights the necessity to guarantee the safety and welfare of those compelled to relocate due to environmental changes

The principle of nondiscrimination, embedded in myriad international human rights instruments, restricts the differential treatment of individual based on factors like, race religion and nationality, (Ruppel and van Wyk 2013). In the realm of climate induced migration, existing socio economic disparities may exacerbate vulnerabilities, leading to unfair treatment. Examining the interaction between non discrimination and climate based migration highlights the critical need to address inequalities and ensure equitable protection of right of affected individuals.

The interaction among these principles is vital for comprehending the legal rights of climate based refugees. The principle of non refoulement prevents the return of the individuals to environmentally unsafe zones, the right to life ensures safeguard in the face of life threatening environmental changes and the non discrimination underscores the necessity of for fair treatment( Bronen 2011). As we navigate the complex intersection of these principles it becomes evident that sophisticated legal approach is indispensable. Climate induced migration deviates the traditional concept of refuge and protection thus requiring an adaptable legal framework. The said adaptation of legal framework could be witnessed in provision IV, paragraph 8 of the Global compact on refugees.

### **Current Legal Framework and Responsibilities in Climate-Induced Migration**

The 1951 convention relating to the status of Refugees and its protocol of 1967 serve as the foundational intruments in international refugee law. The term refugee evolved from traditional interpretation of individuals fleeing persecution to climate induced migrants. (Rucepero 2021). The international covenant on civil and political rights, highlights the right to life and, article 6 and non-discrimination article 26 ( Heerault 2021). These provisions hold particular relevance to climate induced migrants, obligating states to guarantee preservation of life and prohibit discriminatory practices in the acceptance and the treatment of displaced populations. United Nations Framework Convention on Climate Change (UNFCCC) recognizes the link between climate change and human mobility in its Warsaw International Mechanism for Loss and Damage. While not legally binding, it signifies a global acknowledgment of the need to address the adverse impacts of climate change, including displacement. Nansen Initiative Protection Agenda (2015) is although not a legally binding instrument provides a set of guiding principles for the protection of individuals displaced across borders due to natural disasters, including climate change. It emphasizes the importance of preemptive measures and protection mechanisms.

In the Pacific context, where climate change poses an acute threat, the responsibility of national governments is paramount (Greene 2000). Diverse legal frameworks offer admission and protection of victims of climate injustice. As an illustration, Kiribati has acknowledged

the complexities of climate based migration and formulated adaptive strategies. The country's adaptive refugee policy demonstrates commitment to providing refuge and protection for individuals forcibly relocated due to intricate ramifications of climate change. Section 27 of the Tuvalu's Climate change policy ( 2012) addresses climate change induced displacement, highlighting importance of international cooperation and assistance. (FALEFOU 2017). Section 27 expresses dedication to addressing the rights and needs of those relocated, furthermore the Republic of the Marshall Island's Climate change action act 2011 recognizes the possibility of displacement arising from climate change and establishes a legal framework for adaptation and mitigation (ahlgren , yamada et al., 2014) . The said enactment signifies the governments dedication to confronting the effects of climate change.

Ethiopia has expressed the view that article 1 (2), refugee definition includes, people compelled to leave their countries due to natural disasters [article 1 (2) taken from OAU convention 1979}. Objective number 2, provisions I, J, k, and L of the Global compact for Safe , orderly and Regular Migration, directly and indirectly speaks for the rights of climate-impacted individuals. Article 3, paragraph iii of the Caratagena Declaration of 1984 has broadened the conceptualization of the term Refugee to encompass individuals seeking refuge as a consequence of climate change and serious disasters. Provision 13(c) of the Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts, acknowledges the impacts of climate change on human mobility and advocates for a systematic approach to tackle the complexities associated with climate induced human mobility.

### **Real-world Case Studies**

The Carteret Islands in Papua new guinea stand as a compelling example of migration influenced by climate change. The escalation of the sea levels has rendered the Islands, uninhabitable forcing residents to seek relocation (Edwards 2013). This case serves to illuminate the challenges associated with recognizing and addressing the rights of displaced individuals when their native territory becomes unlivable due to climate change.

In response to looming threat of rising sea levels, Kiribati has investigated innovative solutions, which includes purchasing land in Fiji for potential resettlement. This case study underscores the intricacies of implementing the cross border solutions and the legal intricacies associated with ensuring right and protection for migrants in a new host nation ( Mcnamara and des combes 2015) on other hand, Maldives confronted with threat of rising sea levels, has contemplated planned relocation strategies.

### **Thematic analysis**

Climate based migration converges at the nexus of environmental challenges and international law, instigating a crucial examination of legal frameworks, conventions and treaties governing the right and protections of individuals obligated to relocate amid environmental disruptions. Guided by the theoretical framework of transitional legal studies , this scholarly dialogue explores the nuances , lacunae and changing aspects involved in dealing with climate induced migration on global scale within the field of international law. The transitional legal studies brings the fact into consideration that the legal norms and principles are not limited to a specific boundary but transcend beyond limitations, moreover adaptive enough to cover other circumstances.

The transitional legal studies broadens the mental acuity of a person, deviating from the literal interpretation of legal norms and principles to the expansive consideration. The

transitional legal studies portrays the interconnected nature of climate refugees' rights and the principles of non discrimination, non refoulement and the right to life. The said principles can be deemed to be extending protection and safeguard to the rights of climate refugees. Traditionally under the principle of non refoulement, individuals facing persecution in their home countries were supposed not to be returned, however the transitional legal studies extends the interpretation to individuals displaced due to climatic changes.

In this framework, we must balance life protection with global migratory patterns. When we study climate-induced migration via international human rights conventions, nondiscrimination becomes more important. The right to life and non-discrimination principle in similar way extends to the climate refugees by the virtue of transitional legal studies. Transitional legal studies allows us to examine how non-discrimination norms interact with environmental vulnerabilities to address inequalities and assure fair treatment.

Global agreements including the Refugee Convention, UNFCCC, and ICCPR govern climate-related migrations. Article 4 section iv of UNFCCC can also be interpreted in the context of climate-induced refugees, requiring developed nations to assist developing nations that are more vulnerable to climate change. The introductory paragraph 1 and provision 1 of the Newyork Declaration for Refugees and Migrants, also acknowledged the climate induced migration. Though considered in international instruments, gaps remain, making the theoretical framework important. 2009 (Naser, Afroz). Transitional legal studies assess how well these legal mechanisms can handle climate-induced migration. Kiribati's adaptive refugee policy, Tuvalu's climate change strategy, and the Marshal Island's climate change legislation show national commitment to climate-based migration. However, coordinating these efforts within an international legal framework is unclear.

### **Recommendations**

This study's theoretical foundation, transitional legal studies, elucidates the transnational character of legal norms and their interconnectedness and adaptability.

- We must turn our findings into actionable recommendations as we handle climate-induced migration under international law. These ideas are based on transitional legal studies and a thorough understanding of climate change-related migratory rights, duties, and challenges. This document advocates broadening the refugee status under international law. Climate change refugees must be explicitly included in protection plans and their unique challenges acknowledged.
- A proposed international treaty on climate-related migration is one step towards a more comprehensive and unified legal response. Such a convention would provide a legal framework for state rights, obligations, and cooperation and show a commitment to addressing environmental displacement. A global fund for climate-induced migration is needed to reduce the financial burdens of adaptation and relocation. Only countries dealing with climate-induced migration should receive this cash.
- International legal systems that embrace climate justice are essential. To demonstrate fairness, ensure that everyone, especially the most disadvantaged, receives what they deserve.

- Promoting international cooperation and coordination between governments is crucial. Collaboration to share responsibilities, resources, and expertise is necessary to address climate-induced migration fairly.
- Stakeholder, legislator, and legal professional training and capacity building must be promoted. To properly implement national and international legal requirements, one must understand climate-induced migration.
- Since indigenous groups and local communities are more aware of the weather patterns and adaptability to the climatic changes, having thorough comprehension of environment and community needs, therefore inclusion of their knowledge in the legal system would align the policies with cultural and environmental needs of the said communities.
- Proactive approach is required in this regard, the legal framework shall be reviewed and updated keeping in view the changing migratory patterns and environmental changes because A one size fit for all, strategy could no more address the climate induced migration in the contemporary world.
- Research driven approach ought to be adapted to comprehend migration patterns, identify risks and addressing specific needs of migrant groups. In this regard, efforts of IPCC, intergovernmental panel on climate change are praiseworthy for their rigorous research on climate changes worldwide. The reports and assessments made by Intergovernmental panel on climate change is further used by governments in shaping climate policies.
- Public awareness and educational efforts are required to aware communities, policymakers, and the general public about climate-induced migration and the migrants' rights. It is pertinent to mention that regional efforts are already being done by some of the initiatives such as "Pacific regional framework on climate mobility" is already making awareness as stated above and is addressing issues related to migration and displacement as a consequence of climatic changes.
- Making regional or bilateral agreements on climate induced migration enhances collaboration and comes up with solutions to address specific challenges within the region. Australia – Tuvalu Falepili Union treaty is a worth mentioning bilateral agreement for regional response against climate change. It is the world world's agreement specifically meant for addressing climate induced migration.
- Introducing international task force specifically meant for addressing climate induced migrations' intricacies, this may unify the countries on a single platform to work together and come up with united global response. Previously Task force on Displacement was established in 2015 at Conference of Parties under UNFCCC, to address migration related to adverse impacts of changing climate.
- Although the 2030 agenda of SDG recognizes that migration is a powerful driver of sustainable development, there is a need for consideration of climate induced migration within the SGDs for more effective response to this complex challenge.
- Racial and class inequities can make certain groups more susceptible to the impacts of climate induced migration, therefore necessitating creation of specific legal framework for the said individuals.



- There shall be mechanism of providing financial support to those affected by climate induced migration, Takshashila institution for the said purpose designed a Global Climate change Relocation framework, GCCRI framework, which enables the vulnerable individuals to avail global relocation insurance.
- The complete set of above stated recommendations intends to strengthen the international legal framework regulating climate based migration. The proposed suggestions depicts a profound dedication to justice, responsiveness, and fairness, keeping in consideration the interconnected and changing nature of the problem.

### **Conclusion**

Long story short, the deficiencies in international law related to climate induced migration could only be overcome by coming up with the legal frameworks that are updated as per the evolving nature of the climate itself. The foundational human rights such as right to life, principle of non refoulement and non discrimination that are deeply connected to climate induced migrants, also obligates the pressing need for a more adaptive international legal framework. Even while present frameworks acknowledge climate change's effects on migration, our suggestions attempt to strengthen these systems for better protection. The proposed acknowledgment of climate refugees, a specific convention, and a worldwide fund strengthen the legal infrastructure. Improved coordination, capacity building, and indigenous knowledge integration highlight the need for a collaborative and culturally sensitive approach. Systematic legal framework evaluation and adaptation, data interchange, and research show dedication to understanding climate and migration patterns. Case examples reveal complex realities that we must recognise while advocating these recommendations. Since communities from the Carteret Islands to Bangladesh are meeting, compassionate and fair legal solutions are needed now. By investigating the theoretical, practical, and legal aspects of climate-induced migration, we want to shape international law to reflect our changing climate. Theoretical and practical findings from this work contribute to climate justice and environmental displacement rights discussions. Going forward, we must stay dedicated to collaboration, adaptability, and understanding how environmental and human fates are interconnected. Creating a legal framework that safeguards the rights and dignity of climate change migrants in a changing world requires collaboration.

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