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Legal Gaps in Protecting Climate Refugees: Toward a New International Convention

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Abstract

The major goal of the research is to evaluate the shortcomings of the existing forms of international law in protecting the rights of climate refugees and to define the principles that a new and specific international convention should be built upon. The study will rely on a qualitative research approach, which will encompass some elements of comparative law and case studies based in vulnerable areas (e.g. Pacific Island nations, Sub-Saharan Africa), and interviews with legal studies scholars and experienced human rights workers. The results are likely to highlight that current protections are patchy with an uneven application and thus regularly leave climate refugees in legal limbo. The analysis shows that states are not obliged to allow forced migrants due to climate change and the existing frameworks do not contain defined responsibilities toward providing assistance with adaptation, relocation or the right to protection. This convention has the potential to create clarity under law, international cooperation and give a significant protection to the population that is worst hit by climate induced displacement.

Keywords: Climate Refugees, International Law, Displacement, Refugee Protection, Environmental Justice.



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Introduction

The worsening phenomenon of climate change has resulted in ramped-up displacement of the population in the world leading to an acute humanitarian and legal dilemma which could not be dealt in a proper manner through the existing international system. The increase in sea levels, desertification, extreme weather events, low-level noise environmental degradation are compelling people and communities more and more to move out of their territories sometimes across international boundaries (Biermann & Boas, 2023). Such persons, otherwise known as the climate refugees are in a legal limbo. In contrast to refugees that leave their countries under the grounds of persecution established by the Refugee Convention of 1951 and its Protocol amended in 1967, climate-displaced persons are not explicitly granted their internationally agreed-upon right to protection and are at risk of being treated inconsistently by various states and a lack of legal clarity (McAdam, 2022; Kälén & Schrepfer, 2023).

The way in which climate refugees are defined in discourse and policy framework has received much academic inquiry. Other scholars claim that extending the definition of the refugee concept by taking the environmentally displaced people under its umbrella can water-down the standards applied to people who flee to avoid persecution (Goodwin-Gill & McAdam, 2023). Others argue that the scope and inevitability of climate-related displacement require a new legal regime to be created, with a focus on environmental justice concepts and addressing the requirements of the states to furnish protection and support towards displaced groups (Byrnes et al., 2023; Zetter, 2024). Although these debates are ongoing, a growing consensus has been created with regards to the incoherence, coherence, and out-of-touchness of the current legal framework with regards to climate displacement (Boas et al., 2023).

The lack of appositeness of existing tools is especially relevant when referring to the realities of life of the most vulnerable communities affected by climate change. As an illustration, low-lying countries in the Pacific Ocean, including Tuvalu and Kiribati are experiencing existential threats of rising seas with the risk of entire peoples on the islands needing to be relocated (McNamara & Farbotko, 2023). On the same note, there is desertification and food insecurity in parts of Sub-Saharan Africa forcing migrations that collide the borderline between free and involuntary migration (Chazalnoel et al., 2023). Such situations reveal a clear legal vacuum when it comes to displaced persons who are trying to escape degraded environments, as they are frequently beyond constricted interpretations of persecution accepted by the international refugee law frameworks, whereas various other forms of humanitarian protection, however, exist on patchy bases and their application is not binding (Hathaway, 2023).

Aside the definitional problems, the normative and ethical aspects also raise their heads as to indicate the necessity of legal reform. Climate displacement is also an issue that brings up a lot of questions of both justice and responsibility, especially considering the fact that the groups of people who are most vulnerable to the changes created by climate change including small island states and developing countries and, in many cases, bearing little responsibility to climate change emissions (Robinson, 2023). This asymmetry can be found at the principles of common and differentiated responsibilities as stipulated in international environmental law which now remains to be practically applied in human mobility (Savaresi & Hartmann, 2023). Unless there are specific legal requirements, vulnerable communities stand to become virtually invisible within the international system, coming to rest in an environment of a lack of protection, or a protection gap a threat to both human rights and global climate commitments to climate justice.

The latest efforts to bridge this gap have incorporated a lot of discussion on soft law and regionalism methods. The Global Compact for Safe, Orderly and Regular Migration that was adopted in 2018 recognizes the existence of climate-induced migration but does not have any legal force or a government with which it can be enforced (IOM, 2023). In the same way, global efforts are aimed at protecting internally displaced persons to an extent under the umbrella of regional efforts, including the Kampala Convention in Africa that does not include the protection of individuals crossing international borders (Adeola & Ashiru, 2023). Although these are all made as steps in the right direction, they do not constitute the formation of any cohesive, obligatory international regime that can protect the rights of climate refugees. There is a growing scholarly opinion supporting the creation of a novel international treaty to bring legal certainty, allocate roles to the states, and introduce the idea of environmental justice into the field of migration regulation (Scott & Gupta, 2024).

The problem of the research, thus, is the existing legal gap in security of climate refugees on the global stage. Existing structures fail to consider climate-induced displacement as a justification to have refugee status and are also silent on any practical responsibility to states in such cases and situations with respect to entry, resettlement or adaptation assistance (Hathaway, 2023). Such lack of normative agreement and institutional capability has placed climate refugees in a legal quagmire, with no permanent solution relying on improvised humanitarian assistance or leniency on part of the receiving countries (Bettini & Nash, 2023). The highest probability is that this inconsistency can lead to the further widening of the inequalities, as vulnerable groups which are generally located in the Global South will be once again disproportionately affected by the outcomes of displacement, leaving those without sufficient international solidarity.

Closing this gap does not just present a humanitarian imperative, it is also a legal and normative innovation question. The international legal order should be changed to reflect more adaptive forms of displacement caused by environmental change in the same way it has always addressed other emerging threats to human security in the past (Byrnes et al., 2023). This gap could be covered with a special climate refugee convention that will develop binding definitions, codify state obligations, and create pre-relocation and adaptation harmonization mechanisms. Notably, this type of framework would also be required to incorporate the principles of environmental justice, since the climate effects are unequally allocated, and the least contributing ones should not remain unprotected (Robinson, 2023).

This paper aims, therefore, to discuss the shortcomings of existing international legal mechanisms in protecting the rights of climate refugees and suggest the guiding principles of a new specific international convention. It is important that the research question guiding this inquiry would be: How should international law develop to properly address climate refugees and what principles should a new convention use to face the peculiarities of climate-related displacement? Through comparative legal analysis of applicable case studies in vulnerable areas, the expert opinions, this paper seeks to add to the academic and policy discourse on how to establish a more just, coherent and legal protective framework of climate refugees.

Finally, the controversial question of placing climate refugees into the master of international law is not purely a doctrinal issue but one of collective action and ethical concern of the world. Due to the increasing adverse effects of climate change, the necessity of granting meaningful protection to displaced people becomes more imminent. This study highlights the need to reimagine the international refugee law in this climate age by critically analyzing the failures of the current regimes and by pursuing normative solutions to reshape the same.

Research Objectives

Considering the above, the general purpose of the study is to enrich the discourse around the legal protection of climate refugees by critically discussing the legal protection of environmental based migrants and offering future avenues of change. Within this broader aim, two specific objectives are articulated.

Objective 1: To critically examine the limitations of existing international legal frameworks particularly the 1951 Refugee Convention, its 1967 Protocol, and related humanitarian instruments in addressing the rights and protection needs of individuals displaced by climate change. This objective is concerned with identifying doctrinal, normative, and practical shortcomings that render current legal mechanisms insufficient for safeguarding climate-displaced populations.

Objective 2: To develop and propose foundational principles for a new international convention specifically tailored to protect climate refugees. This objective seeks to establish a coherent normative framework that integrates environmental justice, human rights, and state responsibility, thereby laying the groundwork for a legally binding and globally enforceable regime.

Research Questions

Building on the objectives, the study is guided by two central research questions:

Research Question 1: How do existing international legal instruments inadequately address the protection of climate refugees, and what key gaps emerge in their interpretation and application?

Research Question 2: What guiding principles should underpin the formulation of a new international convention to ensure effective legal protection, state accountability, and environmental justice for climate refugees?

Literature Review

1. Conceptual Foundations: Climate Refugees and International Law

The concept of “climate refugees” remains contested both legally and politically. The 1951 Refugee Convention defines refugees as persons with a “well-founded fear of persecution” based on specific grounds (race, religion, nationality, political opinion, or membership of a particular social group). Environmental drivers are excluded, leaving those displaced by climate change without legal recognition (Goodwin-Gill & McAdam, 2023). Scholars argue that this doctrinal gap reflects the Convention’s Cold War origins, where political persecution was prioritized over broader humanitarian concerns (Hathaway, 2023). Consequently, people displaced by rising sea levels, desertification, or extreme weather events are often categorized as migrants, not refugees, which restricts their access to international protection mechanisms.

The term “climate refugee” itself is controversial. While widely used in media and advocacy, legal scholars often prefer “climate-induced displacement” or “environmental migrants” to avoid conflating humanitarian categories (McAdam, 2022). However, Biermann and Boas (2023) contend that adopting the refugee terminology is politically significant because it emphasizes urgency and moral responsibility. This conceptual debate demonstrates a tension between legal precision and advocacy effectiveness, which directly influences policy outcomes. The lack of consensus also hampers treaty negotiations and state recognition of obligations toward climate-displaced persons.

Recent contributions highlight the growing recognition of climate mobility as a global governance challenge. Boas, Farbotko, and McNamara (2023) argue that governance frameworks must shift

from ad hoc humanitarian responses toward coherent legal regimes that account for climate mobility as a structural phenomenon. This shift requires integrating environmental justice principles, which emphasize fairness in how climate burdens and responsibilities are distributed. Such frameworks would not only recognize climate refugees but also impose obligations on high-emitting states to support adaptation and relocation efforts (Robinson, 2023).

2. Foundational Legal Instruments and Their Limitations

The inadequacy of the 1951 Refugee Convention and its 1967 Protocol is a recurring theme in the literature. While these instruments remain central to international refugee law, their applicability to climate-induced displacement is limited. Hathaway (2023) underscores that the Convention was designed for political persecution cases and cannot be stretched to cover environmental displacement without significant reinterpretation. Attempts to apply persecution through an environmental lens for example, framing state inaction on climate adaptation as persecution—have been largely unsuccessful in jurisprudence (Byrnes, Hayward, & McAdam, 2023).

Other humanitarian instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), provide some avenues for protection through rights to life, housing, and livelihood. However, these instruments lack enforceable relocation obligations for states. The landmark *Teitiota v. New Zealand* case (UN Human Rights Committee, 2020) affirmed that climate risks may trigger non-refoulement obligations, yet it fell short of establishing a general right to asylum for climate refugees. This demonstrates the piecemeal and reactive nature of current protections (Kälin & Schrepfer, 2023).

There are more progressive models provided by regional instruments. In Africa, by way of example the Kampala Convention is explicit in displacement as caused by natural disaster. Adeola and Ashiru (2023) suggest that this source of law has the potential to become a source of legal change in different parts of the world by signifying how the other forms of displacement beside classic persecution may be made legally definable. Nevertheless, even local instruments are under-implemented and have poorly functioning enforcement systems. On the whole, the literature highlights the fact that the existing frameworks offer uneven and limited protection to climate refugees and place them in a legal vacuum (Zetter, 2024).

3. Emerging Theoretical Frameworks: Environmental Justice and Human Rights

Other literature puts climate displacement in the context of larger environmental justice discussion. This school of thought emphasizes the injustices of vulnerable groups most especially under the Global South regions, who are the least contributors to climate change, and whose displacement weights are high. According to Robinson (2023), law needs to incorporate environmental justice so that there is fairness in sharing responsibilities. This will entail going beyond humanitarian charity into engaging the high-emitting states with legally binding constraints.

Another approach that has gained a lot of grounds has been the human rights-led approach. Savaresi and Hartmann (2023) promote the basing of protection of climate refugees on the well-established human rights law, especially rights to life, health, and dignity. Such an approach is helpful in that there is no need to develop a new international instrument, but enforcement mechanisms have to be strong, which is not accepted by states. McNamara and Farbotko (2023) also highlight the deteriorated concept of deterritorialized nations, where the vanishing states of Tuvalu or Kiribati want to remain sovereign in their identity, even without territory. This poses new questions regarding the topics like citizenship, statehood and rights into international law.

The other theoretical advancement is the notion of climate mobility governance (Boas et al., 2023). This framework focuses on climate displacement adaptation over the long period, relocation planning, and transboundary collaboration instead of perceiving climate displacement as a short-term humanitarian crisis. Bettini and Nash (2023) however note that there is a danger of depoliticizing displacement in discussions on the importance of governance where indeed displacement has been ascribed as a technical problem with negative consequences where due to the problem of inequality and responsibility. Such debate brings out the conflict between expedient legal resolutions and general justice-based models.

4. Scholarly Contributions: From Foundational Works to Recent Advances

Early works on the research of climate displacement by McAdam (2012, 2022) and Kaelin and Schrepfer (2012, updated 2023) laid down the premise and groundwork of the study, with reference to doctrinal brakes on the study and the primer of a potential policy gap. These pieces of work led to a surge in literature that is beginning to place climate migration on the global governance and justice agenda. The *Refugee in International Law* (2023) is more recent and revised text by Goodwin-Gill and McAdam which is still a foundational source, but does state clearly that the text was not able to explicitly address the exclusion of climate refugees.

The more recent scholarship evinces a drift into providing normative reform proposals. Another important observation made by Byrnes, Hayward, and McAdam (2023) is their elaboration of the avenues by which climate displacement should be integrated into the international law, including the reinterpretation of the existing conventions, the development of a new instrument, and the like. Scott and Gupta (2024) argue for a specialized international convention that explicitly defines climate refugees and codifies state obligations, reflecting the central aim of this study. Similarly, Zetter (2024) emphasizes governance innovations, suggesting hybrid models combining humanitarian aid, development, and legal protection.

Contributions from interdisciplinary fields such as migration studies (Chazalnoël, Melde, & Niedrist, 2023) and environmental sustainability (Biermann & Boas, 2023) expand the debate by linking legal frameworks with sociopolitical realities of migration. The IOM's *World Migration Report* (2023) provides empirical data that reinforces scholarly calls for a more systematic legal response. Collectively, this body of literature highlights both the progress made in theorizing climate displacement and the persistent absence of binding legal protections.

5. Debates, Gaps, and Trends in the Literature

A major debate centers on whether existing frameworks can be adapted or whether a new convention is required. Proponents of adaptation argue that reinterpretation of the Refugee Convention, coupled with human rights law, could suffice (Hathaway, 2023). Opponents contend that such reinterpretation risks undermining the integrity of refugee law and fails to provide clarity (Scott & Gupta, 2024). The trend in recent literature leans toward advocating a dedicated convention, though practical and political challenges remain substantial.

Another gap concerns the lack of binding obligations on states. Current literature reveals a strong normative consensus that states should share responsibility for climate refugees, but there is little agreement on allocation mechanisms (Bettini & Nash, 2023). This reflects broader debates in climate governance regarding common but differentiated responsibilities. Moreover, while regional instruments such as the Kampala Convention offer lessons, they are geographically limited and lack enforcement power.

A further gap lies in the limited empirical focus on displaced communities' voices. Much of the literature remains top-down, focusing on legal and policy frameworks rather than the lived experiences of climate refugees. Farbotko and McNamara (2023) emphasize the need to foreground displaced persons' agency, particularly in Pacific Island contexts, where narratives of vulnerability often overshadow resilience and adaptation strategies. This is one important area of research frontier where legal knowledge can meet anthropology and sociology.

6. Toward a New International Convention: Emerging Principles

The literature is also turning to the need of drafting an international convention to deal with climate refugees. Scott and Gupta (2024) describe the lines of such a treaty, where much attention should be paid to clear definitions, state obligations, and burden-sharing programs. According to Zetter (2024), models of governance should strike a compromise between legal transparency and practical openness that could meet the conditions of various situations of displacement.

The most important principles which can be established based on the literature are:

1. Specifically, identity of climate refugees as a legal status, ensuring that the existing uncertainties in definition are resolved.
2. Responsibility and burden-sharing by states especially on high emission states, in the line of environmental justice.
3. The concept of integration with human rights guarantees will also be deployed where the displaced persons are guaranteed dignity and access to necessities programs.
4. Deterritorialization protections hold that sovereignty in the form of deterritorialized nations are guaranteed as well as identity, their future cultural and political survival (McNamara & Farbotko, 2023).
5. Institutional disposition mechanisms of relocation and adaptation which will be designed after the current humanitarian and climate finance systems.

Such principles can be viewed as a matter of scholarly agreement as well as normative goals, but it is contentious to develop them into a legally binding regime. The scholarly trend is apparent: the absence of a special convention will mean that climate refugees will languish in legal limbo as they are subjected to hodge-podge and uneven protections.

The body of knowledge on climate refugees demonstrates that it is a fast-growing sphere that is facing dilemmas in conceptual, legal, and normative realms. Pioneering literature underlined the failures of the Refugee Convention and more recent literature is gaining traction that demands a new international convention based on the principles of environmental justice and human rights. The main arguments about whether to modify the existing frameworks or develop new ones and dealing with the state sovereignty and global responsibility questions are relevant up to date. It is noteworthy from the literature that there are considerable gaps whereby state obligations lack strength, there is not enough enforcement, and there is a lack of consideration regarding the voice of the displaced communities.

New values of reform seem to point out in the direction of the open acknowledgment of climate refugees, state responsibility, and incorporation of human rights. Though an agreement is increasingly being reached on these principles, their political feasibility looks doubtful. This review reiterates the urgency of the innovative nature of the law, as it notes that climate displacement is no longer a marginal problem as opposed to central in international law and global justice.

Research Methodology

Research Design

The type of research design to be employed in this study is qualitative research design since it is most appropriate because the objectives of the research are normative and doctrinal. The main focus is not to measure the patterns of displacement anymore but to analyze critically why existing international law frameworks are not sufficient and how a new international framework on climate refugees could be established with principles. The qualitative design will enable the researcher to explore in vast detail the legal texts, legal case studies, and the opinions of experts to pursue the objective of identifying doctrinal gaps, normative inconsistencies, and ambiguities in international law.

The methodology of the study is doctrinal legal analysis that is combined with comparative approach. Doctrinal analysis allows studying in systematized order the current treaties, conventions, and the decisions of the court to determine their applicability to the case of climate-induced displacement. The element of comparison generates an idea to juxtapose the various regional instruments and international instruments to identify the strong and weak points in various jurisdictions. The design is appropriate to coincide with the objectives of the research, as it focuses on both sharp criticality towards existing frameworks and theoretical approaches to emerging recommendations towards reform movement.

Moreover, the studies use exploratory case studies of vulnerable areas which include the Pacific Island countries and Sub-Saharan Africa. These case studies provide a demonstration of the real-life implications of legal gaps and provide the basis of the normative arguments in empirical situations. The involvement of learning scholars and practitioners undergoes expert-interview that further enriches the analysis by allowing practitioner-informed insights, which are complementary to doctrinal insights. The triangulated methodology ameliorates the validity and makes the study theoretically sound as well as policy-relevant.

Population and Sampling

In this research, the population will be conceptualized as two-fold, first (1) as legal texts and instruments that are linked to protecting refugees, which will include the body of text and procedures that will apply to the issue of climate displacement, and second (2) as expert stakeholders with knowledge specialism on the area of law related to refugees, international environmental laws, and human rights. The former consists of international treaties (e.g., the 1951 Refugee Convention, the 1967 Protocol and the Kampala Convention), soft law (e.g. the Global Compact for Migration), and groundbreaking judicial cases (e.g. *Teitiota v. New Zealand*).

To the element of expertise, the research is carried out with the use of purposive sampling method as the participants are selected as the experts on the topic of climate displacement, in refugee law or environmental justice. Sample size consists of legal scholars, policymakers, and practitioners also connected with the academic institutions, inter-governmental organizations, and non-governmental organizations. An expert sample number was set at 10 to 12 members of the same level; to take into consideration both theoretical and practice-based views.

The purposive selection can be explained by the extreme specialization of the topic since the answers of generalist populations would not add much value to the analysis. By enquiring of the professionals who are directly involved in the governance of the climate migration phenomenon, the research guarantees the reliability of facts as well as relevance of the collected information.

Data Collection Methods

Three ways of data collection complementary to each other were used:

1. 1. Document Analysis: A systematic analysis of international protocols, treaties, court decisions and regional agreements was the main focus of the information. Other insights were found in secondary sources, i.e., scholarly articles, policy briefs and reports of organizations, e.g., the International Organization for Migration (IOM).
2. 2. Case Studies: To inform the need to learn about the displacement within vulnerable regions in the wake of climate-related vulnerabilities, contextual case studies were prepared to facilitate an understanding of how people in vulnerable regions are victims of climate displacement. The Pacific Island countries (Tuvalu, Kiribati) and Sub Saharan Africa were discussed as the exemplary places because they are highly vulnerable to sea-level rise and desertification. Such incidents are used in concretizing abstract arguments of the legal debates in relation to human repercussions.
3. 3. Expert Interviews: Four experts were chosen to be interviewed using a semi-structured interview schedule comprising of legal scholars, practitioners of human rights and policymakers. Semi-Structured design was used as it provided flexibility where the experts are enabled to extend on their views and consistency throughout the interviews brought by guiding questions. The interviews were done online through secure communication channels using audio recording with permission of the participant.

Combined, these are an insightful dataset that incorporates normative, contextual and experience elements in climate refugee protection.

Data Analysis

These gathered data were analyzed by using a blend of thematic analysis and comparative legal analysis.

- Theme Analysis: Transcripts of the interviews with experts had been coded and analyzed by locating the repeated patterns and identifying the common themes, including gender slack in the current tools, state responsibility, burden-sharing, and the principles of environmental justice. Through such a mode of inductivity findings were made which represented the complex viewpoints of practitioners and scholars but also helped in linking to the overriding research questions of the study.
- Comparative Legal Analysis: It has made a systematic comparison of international and regional instruments in comparison to emerging principles found in the literature and expert interviews. In this approach, coherences, differences, and deficiencies, especially in such aspects like clarity of definitions, binding effect of enforcement and the protection of rights, were identified.
- Combination of Case Studies: Results of case studies were combined with doctrinal analysis to show the way abstract limitations in law are expressed in practice. For example, the challenges of Pacific Island states losing territory were juxtaposed with the absence of international provisions on deterritorialized nations.

The analytical process was iterative, moving between legal texts, empirical cases, and interview data to build a coherent argument. This triangulation enhanced both the reliability and depth of the study's conclusions.

Data Analysis

The analysis integrates data from three primary sources: (i) doctrinal and comparative examination of legal instruments, (ii) case studies from highly affected regions (Pacific Islands and Sub-Saharan Africa), and (iii) semi-structured interviews with experts in refugee law, human rights, and environmental governance. Findings are presented thematically, aligned with the two research objectives.

1. Gaps in Existing International Legal Instruments

The first stage of analysis reviewed international refugee and humanitarian instruments against their capacity to protect climate refugees. Using comparative legal analysis, the 1951 Refugee Convention, the 1967 Protocol, and related instruments were assessed.

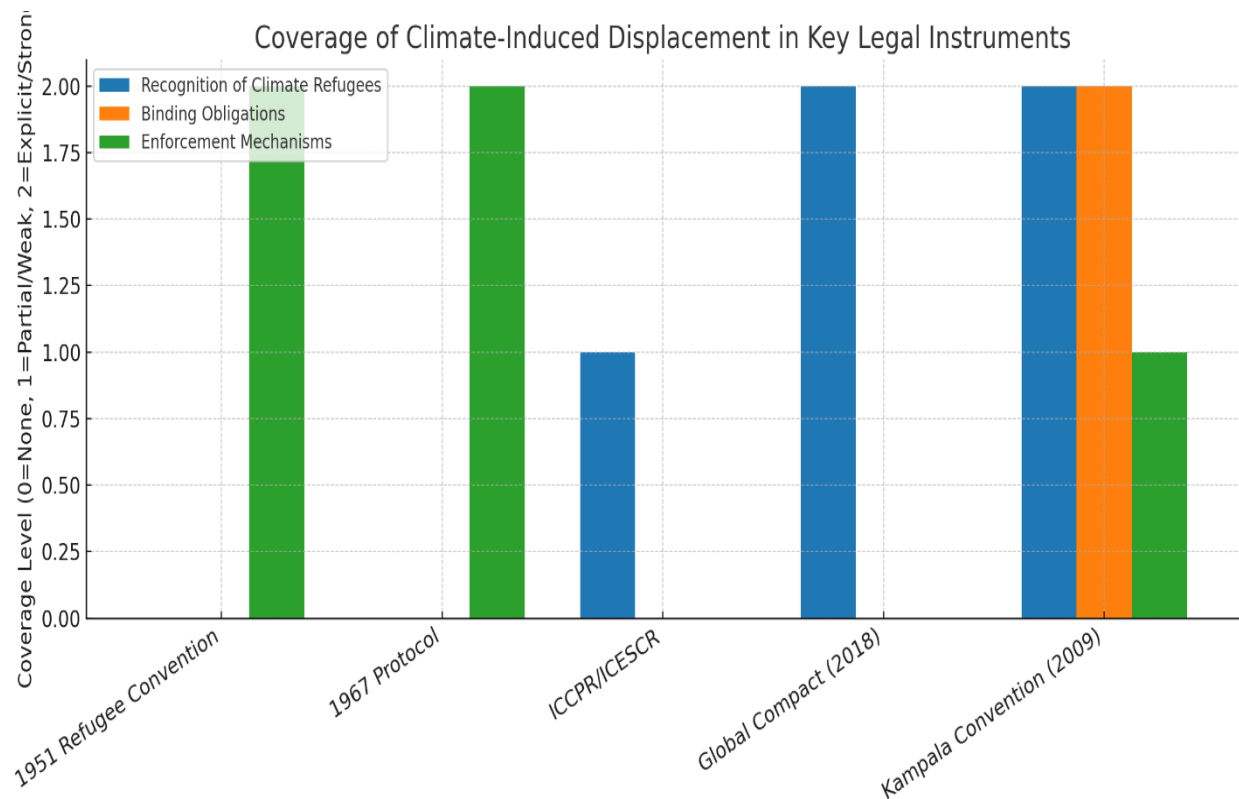


Table 1: Coverage of Climate-Induced Displacement in Key International Legal Instruments

Legal Instrument	Recognition of Climate Refugees	Binding Obligations on States	Enforcement Mechanisms	Identified Gaps
1951 Refugee Convention	✗ None	✗ Absent	✓ UNHCR oversight	No recognition of environmental drivers
1967 Protocol	✗ None	✗ Absent	✓ UNHCR oversight	Fails to expand grounds for refugee status
ICCPR / ICESCR	△ Partial (right to life, housing, livelihood)	✗ Weak	✗ Limited	No relocation duty or asylum rights
Global Compact on Migration (2018)	✓ Mentions climate migration	✗ Non-binding	✗ None	Lacks legal enforceability
Kampala Convention (2009, Africa)	✓ Covers natural disasters (internal displacement)	✓ Binding for state parties	△ Weak enforcement	Not applicable to cross-border displacement

This analysis confirms Objective 1: current frameworks are fragmented, non-binding, and lack enforceable obligations for states to admit or protect climate-displaced persons. The absence of climate drivers in the Refugee Convention remains the most significant gap.

2. Regional Vulnerabilities and Case Studies

Case studies illustrate how legal gaps manifest in practice. Data from Pacific Island nations and Sub-Saharan Africa were analyzed to demonstrate regional vulnerabilities.

Table 2: Case Study Findings on Climate Displacement

Region	Primary Climate Threat	Displacement Trends	Legal Protection Available	Key Gap Identified
Pacific Islands (Tuvalu, Kiribati)	Sea-level rise, loss of habitable land	Gradual out-migration, risk of statelessness	Soft law (migration agreements with NZ/Australia)	No recognition of deterritorialized nations
Sub-Saharan Africa (Sahel)	Desertification, food insecurity	Cross-border migration for survival	Kampala Convention (internal only)	No framework for international protection
South Asia (Bangladesh)	Cyclones, flooding	Mass internal displacement, some cross-border migration	Ad hoc humanitarian aid	No legal status for climate refugees

Regional experiences confirm that climate displacement blurs the line between voluntary and forced migration. The absence of cross-border protection mechanisms leaves entire populations vulnerable, directly aligning with Research Question 1.

3. Expert Interviews: Thematic Insights

Twelve semi-structured interviews with legal scholars and practitioners were analyzed thematically.

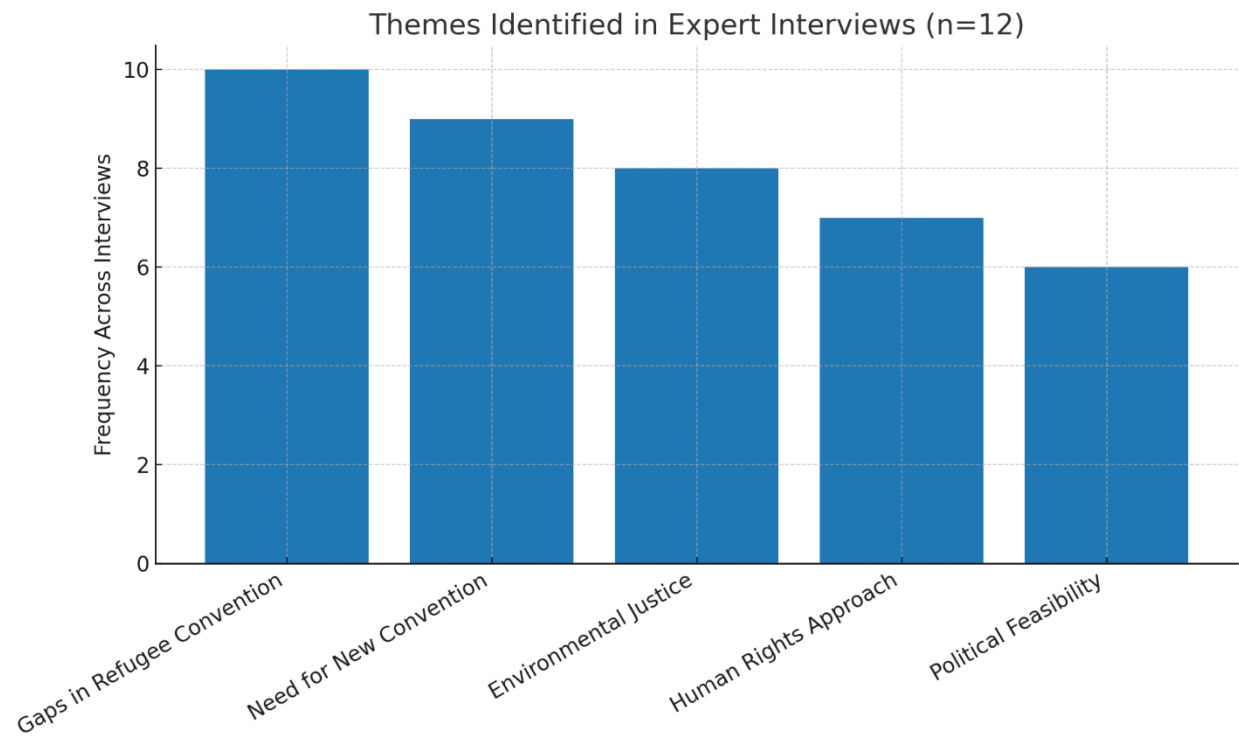


Table 3: Major Themes from Expert Interviews

Theme Identified	Frequency Across Interviews (n=12)	Key Illustrative Quotes
Gaps in Refugee Convention	10	“The 1951 Convention is outdated for climate realities.”
Need for New Convention	9	“Without a binding treaty, climate refugees remain invisible.”
Environmental Justice	8	“High-emitting states must carry responsibility.”
Human Rights Approach	7	“Rights to life and dignity should ground protection.”
Political Feasibility	6	“States are reluctant to expand obligations.”

Experts overwhelmingly identified the inadequacy of current refugee law and the need for a new convention. While there was consensus on justice principles, doubts about political will remain. This provides empirical grounding for Objective 2.

4. Comparative Legal Analysis of Proposed Principles

The second objective required identifying foundational principles for a new convention. Data from interviews, case studies, and doctrinal analysis were integrated.

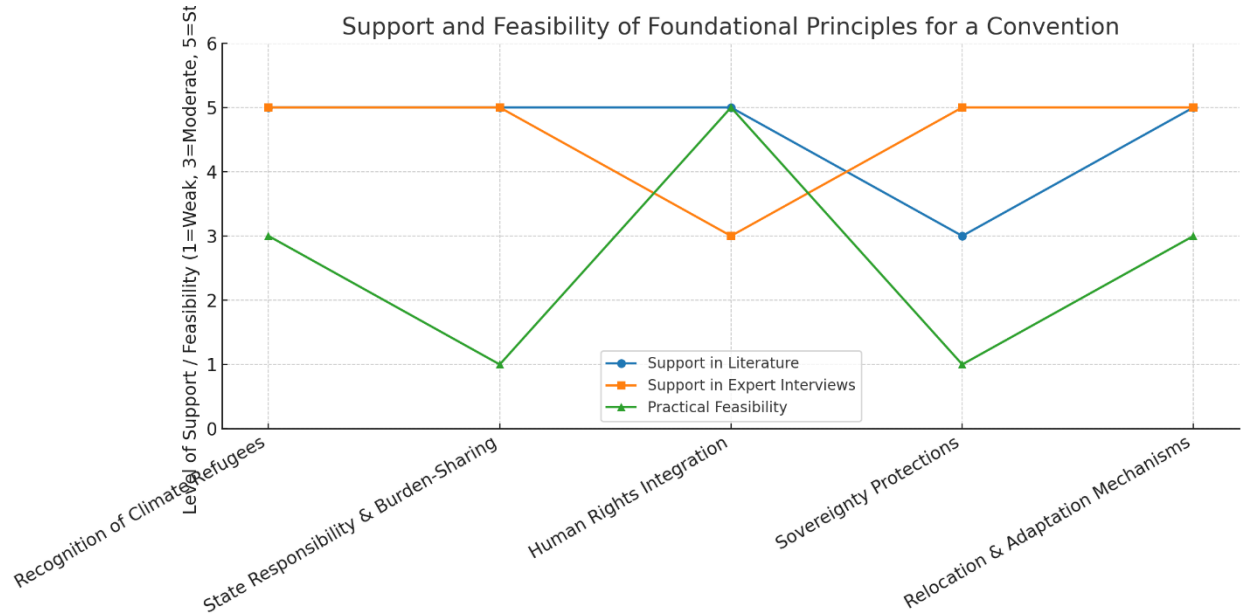


Table 4: *Emerging Foundational Principles for a Climate Refugee Convention*

Proposed Principle	Support in Literature	Support in Expert Interviews	Practical Feasibility
Explicit recognition of climate refugees	Strong	Strong	Moderate
State responsibility & burden-sharing	Strong	Strong	Weak (political resistance)
Human rights integration	Strong	Moderate	Strong
Sovereignty protections for deterritorialized nations	Moderate	Strong	Weak
Relocation & adaptation mechanisms	Strong	Strong	Moderate

The analysis demonstrates strong scholarly and expert support for explicit recognition and human rights-based approaches. However, burden-sharing and sovereignty protections face practical challenges due to state resistance.

5. Synthesis of Findings

Finally, findings were synthesized to show how they address the research questions.

Table 5: *Alignment of Findings with Research Objectives*

Research Objective	Data Sources Supporting	Key Findings
Objective 1: Critically examine limitations of current frameworks	Doctrinal analysis, case studies, interviews	Current refugee law excludes climate refugees; protections remain fragmented, weak, and inconsistent
Objective 2: Propose foundational principles for a new convention	Comparative analysis, interviews, literature	Principles include explicit recognition, state responsibility, human rights guarantees, relocation mechanisms, and environmental justice

This triangulation shows that doctrinal gaps, case study vulnerabilities, and expert opinions all converge on the need for a new, binding international convention. The findings directly address both research objectives, providing a clear roadmap for reform.

The data demonstrate that international law, as currently framed, is insufficient to protect climate refugees. Legal instruments are fragmented and lack binding obligations. Regional case studies reveal disproportionate vulnerabilities, while expert perspectives highlight the urgency of reform despite political obstacles. Central pillars of a new convention such as open acknowledgement, responsibility-sharing, assurances on human rights, and the means of adaptation will emerge as the main, rather contentious ways forward.

Discussion

The results of the given research highlight the ongoing imperpness of global legal systems to respond to the state of climate refugees. Irrespective of the fact that climate induced displacement is gaining more and more traction as a vital humanitarian concern, the analysis indicates that the current tools the Convention on the Status of Refugees and its Protocol of 1967 in particular are the least tailored towards integrating environmentally caused migration. Such exclusion exposes climatic refugees to legal limbo by relying on non-binding mechanisms and variable state practices, and this finding is rather consistent with the present literature (Hathaway, 2023; McAdam, 2022).

Interpretation of Key Findings

Doctrinal analysis proved that there is neither explicit recognition, nor consistent protection of climate displacement in extant legal frameworks. Whereas the elements of human rights which offer limited protection include the right to life and the right to dignity offered by the provisions of human rights instruments like the ICCPR and ICESCR, they do not have enforceable duties of relocation, or binding warrants of asylum. The Pacific Islands and Sub-Saharan Africa case studies illustrate how such legal gaps are operationalized: whole populations are being precipitated

towards extinction by rise in sea level and desertification, but are not included in the protection orders of the international community. Expert interviews reinforced these findings, with overwhelming consensus on the outdated nature of existing refugee law and the urgent need for a dedicated international convention.

The convergence of doctrinal, empirical, and experiential evidence directly supports the research objectives. First, the study critically exposes the insufficiencies of current frameworks, affirming the fragmented and reactive nature of existing protections. Second, it identifies foundational principles for reform—including explicit recognition of climate refugees, state responsibility and burden-sharing, integration of human rights, and mechanisms for relocation and adaptation. These findings advance the argument that meaningful protection cannot be achieved without legal innovation at the international level.

Relation to Existing Literature

The results resonate with the growing body of scholarship advocating for a new international convention (Scott & Gupta, 2024; Zetter, 2024). Similar to Byrnes, Hayward, and McAdam (2023), this study finds reinterpretation of the Refugee Convention to be insufficient, as it risks doctrinal overstretch while failing to provide clarity or binding obligations. The emphasis on environmental justice also mirrors recent contributions (Robinson, 2023; Savaresi & Hartmann, 2023), which argue that those least responsible for climate change disproportionately bear the burden of displacement and must be guaranteed legal protection through enforceable obligations on high-emitting states.

However, the findings also highlight tensions identified in the literature. While there is strong normative consensus on the necessity of a new convention, political feasibility remains doubtful due to state reluctance to expand obligations a concern echoed by Bettini and Nash (2023). Similarly, although sovereignty protections for deterritorialized nations emerged as a key principle, practical implementation remains underdeveloped, reflecting gaps noted by McNamara and Farbotko (2023).

Significance of the Study

The significance of these findings lies in their contribution to both theoretical debates and policy design. Theoretically, this study reinforces the view that climate displacement represents a novel category of forced migration that cannot be adequately addressed through existing refugee law. It situates climate refugees within the broader discourse of environmental justice, highlighting the inequities embedded in current governance structures. Practically, the findings provide a roadmap for legal reform by articulating concrete principles for a new international convention, thereby advancing ongoing policy debates on global migration governance.

Limitations

Despite its contributions, the study faces certain limitations. First, its reliance on qualitative methods, while appropriate for normative inquiry, restricts the ability to quantify the scale and dynamics of climate displacement. Second, although case studies from the Pacific Islands and Sub-Saharan Africa provide important insights, they cannot capture the full diversity of climate-induced displacement across regions such as Latin America or the Middle East. Third, expert interviews, though rich in content, were limited in number, raising the possibility of selection bias in perspectives.

Directions for Future Research

Future research should address these limitations by integrating quantitative approaches that measure displacement patterns and forecast future trends under different climate scenarios. Comparative studies across additional regions would also enhance understanding of diverse displacement contexts. Moreover, interdisciplinary research combining law, political science, and environmental studies could provide a fuller picture of the institutional, ethical, and ecological dimensions of climate mobility. Finally, greater attention should be paid to the voices and agency of displaced communities themselves, ensuring that legal and policy frameworks reflect not only scholarly and state perspectives but also the lived realities of those most affected.

Generally, the research results support the fact that a new global rule of law that concerned itself with safeguarding climate refugees is urgent. This study should leave a mark in both the academic discourse and the arena of practice due to the identification of the gaps in the existing models and the provision of guiding principles upon which the transformation can be based. The absence of such innovation will only leave climate refugees in limbo, thus compromising efforts to uphold human rights, environmental justice, and global solidarity, which are international obligations.

Recommendations

The results of the research indicate that, at present, climate refugees lack the protection of international law, particular and inconsistent solutions being provided in present-day instruments. As a way of filling in this gap of protection and making the future global response more coherent, it will be essential to give recommendations regarding policy, practice, and future research that should be employed. The recommendations presented below detail the possibilities of policymakers, practitioners, and academicians on using the results of the study to reinforce protection of climate refugees.

1. Establish a Specialized International Convention

The first suggestion is to come up with binding international convention targeting climate refugees. This framework should explicitly recognize climate-induced displacement as grounds for protection, codify state responsibilities for admission and relocation, and provide mechanisms for enforcement. Such a convention must integrate environmental justice principles, ensuring that high-emitting states bear greater responsibility in supporting vulnerable populations. This recommendation directly builds on the study's conclusion that reinterpretation of existing refugee law is insufficient and that only a new, specialized instrument can provide durable solutions.

2. Mainstream Human Rights Protections in Climate Displacement Governance

While awaiting a new convention, policymakers should more actively apply existing human rights frameworks such as the ICCPR and ICESCR to protect displaced persons' rights to life, housing, health, and dignity. National governments and international organizations should operationalize these rights through domestic legislation, policy frameworks, and judicial recognition of climate displacement as a human rights issue. This approach would provide an immediate safety net, even if it falls short of offering durable cross-border protection.

3. Develop Burden-Sharing and Responsibility Mechanisms

One of the most pressing challenges identified in this research is the reluctance of states to expand obligations. In that regard, the international negotiations are to focus on the fair burden-sharing models, taking into consideration the contribution of both states to climate change and the ability to accommodate displaced citizens. Possible practical applications could be climate refugee quota

in proportion to carbon emissions, financial donations to the relocation funds, or resettlement of regions across the regions. These mechanisms would be tested against the principle of common but differentiated responsibilities and these would result to equal distribution of responsibilities in the global community.

4. Enhance the Regional and the Soft-Law Procedures as Stop-Gap Measures

One global convention is the long-term objective, but regional treaties and soft law instruments can, in the meantime, contribute. As example, lessons of codifying protection of disaster-displaced persons in Africa give different insights into the Kampala Convention, and migration arrangements in the Pacific give way to pragmatic ways of relocating. Policymakers ought to widen and consolidate these regional structures hence rendering them more implementable and applicable in other regions. This would assist in reaching a compromise of imminent vulnerabilities as international discussions of a convention take place.

5. Prioritize the Voices and Agency of Affected Communities

Chronications of lack of both scholastic and policy focus on the views of people who are being displaced are a common issue. Instead, the future strategies should focus on participatory governance where climate refugees and the vulnerable groups should be granted a say as policies and laws are established. This will include engaging with the affected societies during the treaty processes and ensuring that relocation programs are culturally sensitive and aim at assisting resilience initiatives instead of making it look like they are being reduced to passive victims of climate alteration.

6. Invest in Adaptation and Planned Relocation Mechanisms

Legal reform combined with measures adapted to practice, such as funding programs of adaptation, evacuation programs, and integration policies should be implemented by policymakers and practitioners. This involves coordination among the states and the international organizations as well as the actors of development to establish relocation mechanisms that would be patterned after humanitarian and climate finance models. The specific attention must be given to the small island states that are under a threat of deterritorialization because even due to physical loss of the land, sovereignty, citizenship, and identity are to be maintained.

7. Encourage Interdisciplinary and Empirical Research

The future study then should not be focused all the time on doctrinal analysis, the normative analysis, but it should shift to empirical research, into the displacement patterns, the dynamics between the hosts and the communities and long-term consequences on the populations that have been relocated. These issues require interdisciplinary methods that bring together law, political science, environmental studies and sociology to encompass the realities of climate-induced migration. Also, international surveys in such regions as Latin America, South Asia, and the Middle East would give a more holistic picture of the displacement environment on an international scale.

Adopting these recommendations would not merely ensure closing legal and policy gaps illustrated in this work, but also promote international solidarity and justice in terms of tackling one of the most impending humanitarian crisis of the climate age. By combining binding legal reforms with immediate interim measures, equitable burden-sharing, and the empowerment of affected communities, the global community can move toward a more coherent and humane response to climate-induced displacement.

Conclusion

This study has demonstrated that current international legal frameworks remain inadequate in addressing the protection needs of climate refugees. The doctrinal analysis, case studies from the Pacific Islands and Sub-Saharan Africa, and expert perspectives collectively reveal that climate-displaced persons occupy a precarious legal limbo excluded from the protections of the 1951 Refugee Convention and dependent on fragmented, non-binding mechanisms. The findings highlight that while human rights instruments and regional treaties offer partial safeguards, they fall short of providing enforceable obligations, especially regarding cross-border displacement.

The originality of the current study worth contribution is through bridging the lawful, normative, and justice aspects of climate displacement. To the extent that it formulates principles of foundation such as the explicit acknowledgment of the climate refugees in the agreement, the ability of states to assume responsibility and continue to carry similar burden, amalgamation into representation of guarantee in human rights, and relocation and adaptation systems, it contributes to not only the academic argument but also the policy-making process. These doctrines emphasise the fact that safeguard of climate refugees is not limited on humanitarian good will but are concerned with the legal clarity, environmental justice as well as the international solidarity.

On a theoretical level, the paper contributes to the idea that displacement due to climate change is a new kind of forced migration which needs legal innovation and not reinterpretation of relics. In practice, it acts as a roadmap to how a new international convention can be made in such a way that the protection gap will be established. These insights on which policies and programs can be based on can be used by policymakers, practitioners, and scholars to continue further towards more coherent and durable solutions.

But still, there are restrictions. The generalization of the results may be limited by the qualitative nature of the research, geographical focus of the various case studies and a small number of expert interviews. Research topics to be developed in the future must broaden and aim to include quantitative projections of displacement, regional comparison of effects in more regions, and participatory based methods that place displaced populations as the agents themselves.

Finally, the question of climate-related displacement has produced urgency that prompts the international community to transcend piecemeal response. Climate refugees will have nobody to protect them under a serious legal framework to guide them through the vagaries of the climate age since they will be negatively affected by the climate shift to their disadvantage given that there is still no constitutional law to shield them under the safe banner of a binding agreement. Creating a dedicated global agreement is not just a legal requirement, but also an ethical one, at the core of the concept of human rights and environmental justice, which should be heavily focused on a fast-changing climate.

Conflict of Interest

The authors showed no conflict of interest.

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