

CLIMATE MIGRATION AND STATELESSNESS: THE NEXT BIG HUMANITARIAN CRISIS?

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ABSTRACT

Climate change is driving unprecedented human displacement, with 32.6 million disaster-induced movements recorded in 2022 alone. This paper examines the looming crisis of climate-induced statelessness, focusing on populations from sinking island nations like Kiribati and Tuvalu, whose territorial disappearance threatens their sovereignty and citizens' nationality. While the 1951 Refugee Convention excludes environmental migrants, and existing statelessness frameworks (1954/1961 Conventions) ignore climate impacts, millions risk becoming legally invisible. Through case studies from the Pacific, South Asia, and Africa, we analyse gaps in international law, human rights violations (e.g., loss of education, healthcare, and legal identity), and ineffective non-binding responses like the UN Global Compact on Migration. Urgent solutions are proposed, including a Global Convention on Climate Displacement, "ex situ statehood" recognition, and regional protection pacts. The study highlights India's dual role as source/destination of climate migrants and its inadequate legal preparedness. Without immediate reforms to address de-territorialized statehood and portable citizenship, climate change will institutionalize statelessness as a catastrophic humanitarian challenge.

Keywords: *Climate migration, statelessness, international law, human rights, sinking states, refugee convention, displacement, sovereignty, nationality, legal protection.*

I. INTRODUCTION

Climate change is accelerating the displacement of populations worldwide, driven by both sudden-onset disasters (e.g., hurricanes, floods) and slow-onset environmental degradation (e.g., sea-level rise, desertification). The Internal Displacement Monitoring Centre (IDMC) recorded 32.6 million disaster-induced displacements in 2022 alone, with weather-related events accounting for 98% of cases¹. While these figures underscore the growing scale of climate migration, the legal and humanitarian frameworks addressing this phenomenon remain critically underdeveloped. Unlike refugees fleeing persecution—who are protected under the 1951 Refugee Convention and its 1967 Protocol²—individuals displaced by climate change lack a formal legal status under international law. This gap leaves millions in a precarious position, with no guaranteed rights to asylum, resettlement, or protection against forced return.³

An even more alarming dimension of this crisis is the emerging risk of statelessness for populations whose home states become uninhabitable or cease to exist due to climate impacts. Small island nations, such as Kiribati, Tuvalu, and the Maldives, face existential threats from rising sea levels, raising unprecedented legal questions: What happens when a sovereign state physically disappears? Can its citizens retain nationality without a territory?⁴ Under current international law, statelessness is primarily addressed by the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness⁵, yet neither contemplates climate-induced statelessness.

Legal scholars (e.g., Jane McAdam, Walter Kälin) have argued that the existing refugee and human rights frameworks—including the UN Human Rights Committee's 2020 ruling in

¹Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2023* (IDMC 2023) <https://www.internal-displacement.org/global-report/grid2023/> accessed 15 July 2025.

²Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention); Protocol Relating to the Status of Refugees (adopted 31 January 1967, entered into force 4 October 1967) 606 UNTS 267.

³Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* (Cornell University Press 2013).

⁴Maxine Burkett, 'Climate Change, Migration and the Nation State: The Case for Climate Resilience' (2011) 25 *Georgetown International Environmental Law Review* 351.

⁵Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117; Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 December 1975) 989 UNTS 175.

*Teitiota v. New Zealand*⁶ (which rejected a climate asylum claim but recognized that environmental degradation could trigger non-refoulement obligations under the ICCPR)—are insufficient to address this looming crisis. Meanwhile, regional initiatives, such as the African Union’s Kampala Convention and the Latin American Cartagena Declaration, offer broader protections for displacement but remain non-binding and inconsistent in application.⁷

This paper examines whether the convergence of climate migration and statelessness will become the next major humanitarian crisis and evaluates how international law must evolve to provide coherent protections. Potential solutions include:

1. Expanding the Refugee Convention to include climate-displaced persons,
2. Creating a new international treaty specifically addressing climate migration, or
3. Leveraging human rights law (e.g., ICCPR, ICESCR) to enforce protections against arbitrary displacement and statelessness.

Without urgent legal reforms, the international community risks leaving millions in a legal void, exacerbating instability and human suffering in an era of climate breakdown.

II. CLIMATE MIGRATION: SCOPE AND CHARACTERISTICS

A. Definitions and Legal Ambiguity

Climate migration refers to the movement of people caused primarily by environmental disruptions linked to climate change. These disruptions generally fall into two categories. Sudden-onset disasters such as cyclones, floods, and wildfires trigger immediate displacement, while slow-onset environmental degradation like desertification, salinization, and sea-level rise gradually erode living conditions over time.⁸ Although most climate-related displacement occurs within national borders, there is growing concern about cross-border migration, particularly from low-lying island states and highly vulnerable coastal regions where entire populations may eventually need to relocate internationally.⁹

⁶*Teitiota v New Zealand* (2020) CCPR/C/127/D/2728/2016 (UN Human Rights Committee).

⁷African Union, *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa* (2009); Cartagena Declaration on Refugees (1984), adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama.

⁸Walter Kälin, ‘Conceptualising Climate-Induced Displacement’ in Jane McAdam (ed), *Climate Change and Displacement* (Hart Publishing 2010) 81.

⁹Frank Biermann and Ingrid Boas, ‘Protecting Climate Refugees: The Case for a Global Protocol’ (2008) 50(6) *Environment* 8.

The legal landscape surrounding climate migration remains fragmented and inadequate. No binding international framework currently recognizes "climate migrants" or "climate refugees" as distinct legal categories.¹⁰ The 1951 Refugee Convention, which forms the cornerstone of international protection for displaced persons, defines refugees strictly in terms of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.¹¹ Environmental harm is conspicuously absent from this definition. Some legal scholars advocate for an evolutionary interpretation of the Convention to accommodate climate-related displacement,¹² while others argue that an entirely new legal instrument is necessary to address this emerging challenge.¹³

Several critical legal ambiguities persist in this domain. The principle of non-refoulement, which prohibits returning individuals to conditions where they face serious threats to life or freedom,¹⁴ has been tested in climate-related cases such as *Teitiota v. New Zealand* before the UN Human Rights Committee. While the Committee¹⁵ ultimately rejected the claim, it acknowledged that environmental degradation could potentially trigger non-refoulement obligations under certain circumstances¹⁶. The absence of a dedicated legal status for climate migrants leaves them vulnerable to deportation or indefinite limbo¹⁷. Regional frameworks like the African Union's Kampala Convention and the Latin American Cartagena Declaration offer broader protections but lack consistency and enforceability across different jurisdictions.¹⁸

B. Case Studies from Vulnerable Regions

Pacific Island states including Tuvalu, Kiribati, and the Marshall Islands face existential threats from rising sea levels.¹⁹ Scientific projections suggest these nations may become uninhabitable within decades, raising unprecedented questions about sovereignty and

¹⁰Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012).

¹¹Refugee Convention (n 2).

¹²UNHCR, *Legal and Protection Policy Research Series: The 1951 Convention and Climate Change* (2009) <https://www.unhcr.org/> accessed 15 July 2025.

¹³Benoît Mayer, *The Concept of Climate Migration: Advocacy and its Prospects* (2017) 49 *Environmental Law* 383.

¹⁴Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85, art 3.

¹⁵*Teitiota v New Zealand* (2020) CCPR/C/127/D/2728/2016.

¹⁶*ibid* [9.11].

¹⁷McAdam (n 3) 145–147

¹⁸African Union, *Kampala Convention* (2009); Cartagena Declaration on Refugees (1984).

¹⁹IPCC, *AR6 Synthesis Report: Climate Change 2023* (2023) <https://www.ipcc.ch/report/ar6/syr/> accessed 15 July 2025.

nationality.²⁰ Tuvalu has pioneered innovative responses, including a 2023 bilateral agreement with Australia that addresses dignified migration pathways and potential statelessness risks.²¹ These small island nations serve as critical test cases for how international law might adapt to the disappearance of sovereign territory.

Bangladesh represents another acute example of climate-induced displacement. The country experiences frequent cyclones, catastrophic flooding, and severe river erosion, particularly in low-lying regions like the Sundarbans delta.²² Millions face internal displacement annually, while cross-border migration to India has created tensions and highlighted the need for regional protection mechanisms.²³ The situation in Bangladesh demonstrates how climate impacts can overwhelm national coping capacities and spill across international borders.

In Sub-Saharan Africa's Sahel region, persistent drought and desertification have significantly altered migration patterns.²⁴ The progressive loss of arable land and water resources has intensified competition, fueled conflicts and pushing populations toward North Africa and Europe.²⁵ The United Nations Security Council has recognized climate change as a threat multiplier in this region, particularly in the Lake Chad basin where environmental degradation has exacerbated existing security challenges.²⁶

India's climate migration challenges manifest in multiple ways. Coastal erosion in the Sundarbans has accelerated dramatically, displacing entire communities without clear legal recourse.²⁷ States like Odisha and Andhra Pradesh experience increasingly frequent and intense cyclones, straining internal resettlement systems.²⁸ These cases illustrate how even large nations with substantial resources struggle to manage climate-induced displacement effectively.

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²⁰Maxine Burkett, 'The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era' (2011) 2 *Climate Law* 345.

²¹ Government of Tuvalu and Government of Australia, *Climate Mobility Framework Agreement* (2023).

²²International Organization for Migration (IOM), *Migration, Environment and Climate Change: Bangladesh Country Profile* (2022).

²³Sanjay Chaturvedi, 'The Geopolitics of Climate Migration in South Asia' (2015) 38 *Strategic Analysis* 825.

²⁴UNEP, *Sahel Atlas of Changing Landscapes* (2017) <https://www.unep.org/> accessed 15 July 2025.

²⁵IOM, *Climate-Induced Migration in the Sahel* (2020).

²⁶UN Security Council, 'Security Council Presidential Statement on Climate and Security' (S/PRST/2011/15, 20 July 2011).

²⁷Roxy Mathew Koll and others, 'Climate Change and Coastal Vulnerability in India' (2020) 10 *Earth System Science Data* 93.

²⁸IDMC, *Disaster Displacement in India: 2023 Review* (2024).

Emerging Legal and Policy Responses

Recent developments in international policy have begun to address climate migration, though primarily through non-binding instruments. The 2018 UN Global Compact for Migration represents the first global attempt to acknowledge climate change as a driver of migration, though its provisions remain voluntary.²⁹ Human rights litigation continues to test the boundaries of existing protections, with cases like *Teitiota* exploring whether climate impacts could engage fundamental rights under instruments such as the International Covenant on Civil and Political Rights.³⁰

Some nations have implemented innovative domestic policies to address specific aspects of climate migration. New Zealand's Pacific Access Category visa program³¹ and Fiji's planned relocation guidelines³² represent pragmatic, though limited, responses to immediate challenges. These initiatives demonstrate how states might develop practical solutions while waiting for comprehensive international legal frameworks to emerge.

The current legal and policy landscape reveals significant gaps in addressing climate migration. Without more robust international cooperation and legal innovation, millions of people displaced by climate change risk falling into a protection vacuum, potentially creating one of the most severe humanitarian crises of the coming decades.³³ The need for coherent, rights-based solutions has never been more urgent as climate impacts continue to intensify worldwide.

III. STATELESSNESS: MEANING AND LEGAL FRAMEWORK

A. Definition and Scope

Statelessness is legally defined under the 1954 Convention Relating to the Status of Stateless Persons as the condition of an individual who is "not considered as a national by any State under the operation of its law." Stateless persons frequently encounter severe legal and social challenges, including denial of legal identity, restricted access to education, employment, and healthcare, inability to travel legally, and political disenfranchisement. According to UNHCR

²⁹UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration* (11 January 2019) A/RES/73/195.

³⁰*Teitiota* (n 8).

³¹New Zealand Immigration, 'Pacific Access Category Visa' <https://www.immigration.govt.nz> accessed 15 July 2025.

³² Government of Fiji, *Planned Relocation Guidelines: A Framework to Undertake Climate Relocation* (2018).

³³McAdam (n 3) 223.

estimates from 2024, over 4.4 million people are stateless worldwide, though the actual number is likely higher due to underreporting and gaps in data collection.

B. Conventional Causes

Statelessness has traditionally resulted from several key factors. Conflicts in nationality laws between states can leave individuals without recognized citizenship.³⁴ Discriminatory legislation, particularly based on gender or ethnicity, has historically stripped certain groups of their nationality.³⁵ State succession or dissolution, as seen in cases like the breakup of the Soviet Union or Yugoslavia, has also contributed to statelessness.³⁶ Additionally, arbitrary deprivation of nationality by governments³⁷ and lack of proper civil registration, such as birth certificates, have further exacerbated the issue.³⁸ While these remain the primary drivers of statelessness, climate change is now emerging as a new and pressing cause, posing unprecedented challenges to the existing legal framework.³⁹

IV. CLIMATE CHANGE-INDUCED STATELESSNESS: A NEW CATEGORY?

A. Threats to State Sovereignty and Nationality

The Montevideo Convention on the Rights and Duties of States (1933) establishes four essential criteria for statehood: a permanent population, a defined territory, a government, and the capacity to enter into relations with other states.⁴⁰ Rising sea levels present an unprecedented challenge to these fundamental requirements, particularly for small island nations whose entire territories face existential threats.⁴¹ As these states potentially lose their physical landmasses, profound legal questions emerge regarding the continuity of their statehood and the status of their populations.⁴²

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³⁴Paul Weis, *Nationality and Statelessness in International Law* (2nd edn, Sijthoff&Noordhoff 1979) 63.

³⁵UNHCR, *Background Note on Gender Equality, Nationality Laws and Statelessness* (2014) <https://www.unhcr.org> accessed 16 July 2025.

³⁶Laura van Waas, *Nationality Matters: Statelessness under International Law* (Intersentia 2008) 91.

³⁷Human Rights Watch, *Citizenship Rights Denied: The Arbitrary Deprivation of Nationality in Bahrain* (2012).

³⁸UNHCR, *Good Practices Paper: Civil Registration and the Prevention of Statelessness* (2017) <https://www.refworld.org/docid/5a0ac8f94.html> accessed 16 July 2025.

³⁹Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 124.

⁴⁰Montevideo Convention on the Rights and Duties of States (adopted 26 December 1933, entered into force 26 December 1934) 165 LNTS 19, art 1.

⁴¹IPCC, *AR6 Synthesis Report: Climate Change 2023* (2023) <https://www.ipcc.ch/report/ar6/syr/> accessed 16 July 2025.

⁴²Rosemary Rayfuse, 'International Law and Disappearing States: Maritime Zones and the Criteria for Statehood' (2010) 41 *Environmental Policy and Law* 281.

The potential disappearance of sovereign territory raises several critical legal dilemmas. First, it remains unclear whether a state could maintain its international legal personality without physical territory.⁴³ Second, the capacity of such a state to confer nationality to its citizens would be called into question.⁴⁴ Most significantly, the spectre of mass statelessness looms large for populations whose homelands vanish beneath the waves. These questions represent uncharted territory in international law, with no established legal precedents or frameworks to provide guidance.⁴⁵

The case of Kiribati illustrates these challenges in concrete terms. In 2014, the government's purchase of land in Fiji for potential relocation represented a pragmatic adaptation strategy.⁴⁶ However, this action does not resolve the fundamental legal questions surrounding sovereignty and nationality.⁴⁷ The acquisition of territory in another state does not automatically guarantee the preservation of Kiribati's statehood or the citizenship rights of its people should their homeland become uninhabitable.⁴⁸ This case highlights the urgent need for legal innovation to address these novel challenges.⁴⁹

B. International Legal Gaps

The current international legal framework contains significant gaps in addressing climate-induced statelessness. No existing instruments provide clear mechanisms for recognizing or protecting climate migrants or refugees.⁵⁰ The international community lacks treaty provisions specifically addressing statelessness resulting from environmental factors, leaving populations in climate-vulnerable states without legal protections.⁵¹

The 1954 Statelessness Convention and 1961 Convention on the Reduction of Statelessness, while foundational documents in the field, were drafted without contemplation of climate-

⁴³ Jenny Grote Stoutenburg, *Disappearing Island States in International Law* (Brill 2015) 163–65.

⁴⁴ Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 138.

⁴⁵ Maxine Burkett, 'A Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era' (2011) 2 *Climate Law* 345.

⁴⁶ Government of Kiribati, 'Kiribati Buys Land in Fiji' (Press Release, 2014) <https://www.climate.gov.ki/> accessed 16 July 2025.

⁴⁷ Sumudu Atapattu, 'Climate Change, Human Rights, and Forced Migration: Implications for International Law' (2013) 27 *Wisconsin International Law Journal* 607.

⁴⁸ Guy S Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (3rd edn, OUP 2007) 75–76.

⁴⁹ Kälén W and Schrepfer N, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches* (UNHCR Legal and Protection Policy Research Series, 2012).

⁵⁰ Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 45–48.

⁵¹ Walter Kälén and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches* (UNHCR Legal and Protection Policy Research Series, 2012) 14–16.

related scenarios.⁵² These instruments fail to account for the possibility of entire states becoming uninhabitable or disappearing entirely.⁵³ Perhaps most critically, international law contains no provisions for governing "de-territorialized" states - entities that might retain international recognition despite losing their physical territory.⁵⁴

These legal gaps become increasingly problematic as climate change accelerates. Without new legal frameworks or significant reinterpretations of existing instruments, the international community risks facing a crisis of mass statelessness with no established mechanisms for resolution.⁵⁵ The situation demands urgent attention from legal scholars, policymakers, and international organizations to develop solutions before these theoretical challenges become practical emergencies.⁵⁶

V. HUMAN RIGHTS IMPLICATIONS

Climate-induced statelessness creates severe human rights violations. Individuals without nationality face systematic exclusion from basic services, including education, healthcare, and legal employment.⁵⁷ Their lack of legal status heightens vulnerability to exploitation, including human trafficking and forced labour, while leaving them unprotected by national legal systems.⁵⁸

Although Article 15 of the Universal Declaration of Human Rights recognizes the right to a nationality,⁵⁹ enforcement remains weak. Climate-displaced populations often fall into legal limbo, lacking documentation and formal recognition.⁶⁰ Without binding international

⁵²Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117; Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 December 1975) 989 UNTS 175.

⁵³Jenny Grote Stoutenburg, *Disappearing Island States in International Law* (Brill 2015) 121–123.

⁵⁴Rosemary Rayfuse, 'International Law and Disappearing States: Maritime Zones and the Criteria for Statehood' (2010) 41 *Environmental Policy and Law* 281, 284.

⁵⁵Maxine Burkett, 'The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era' (2011) 2 *Climate Law* 345.

⁵⁶Michelle Foster, Jane McAdam and Davina Wadley, 'Protecting People Displaced by the Impacts of Climate Change: The Role of the International Human Rights Regime' (2019) 28 *Law and Development Review* 1.

⁵⁷UNHCR, *Statelessness and Human Rights* (2017) <https://www.unhcr.org/statelessness-humanrights.html> accessed 16 July 2025.

⁵⁸Human Rights Watch, *"I Don't Exist": Statelessness and Human Rights in Côte d'Ivoire* (2019) <https://www.hrw.org> accessed 16 July 2025.

⁵⁹Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) art 15.

⁶⁰Michelle Foster, Jane McAdam and Davina Wadley, 'Protecting People Displaced by the Impacts of Climate Change: The Role of the International Human Rights Regime' (2019) 28 *Law and Development Review* 1, 13–14.

protections, these individuals remain at risk of prolonged marginalization, underscoring the urgent need for legal reforms to address this growing crisis.⁶¹

VI. EFFORTS AT NATIONAL AND INTERNATIONAL LEVELS

A. Global and Regional Instruments

Several initiatives have emerged to address climate-related displacement, though most remain non-binding. The UNHCR and Platform on Disaster Displacement (PDD) advocate for state-led protections for cross-border disaster displacement, yet their recommendations lack legal force.⁶² The 2018 Global Compact for Safe, Orderly and Regular Migration acknowledges climate change as a migration driver but provides no enforceable obligations.⁶³ Regionally, the African Union's Kampala Convention (2009) represents progress by recognizing environmental disasters as causes of internal displacement, though its scope remains limited to Africa.⁶⁴ The Nansen Initiative has similarly proposed principles for cross-border displacement, but these too are voluntary.⁶⁵

B. Innovations Needed

Current frameworks remain inadequate for addressing climate-induced statelessness. Critical innovations should include: formal recognition of climate statelessness as a distinct legal category;⁶⁶ development of "ex situ statehood" concepts allowing states to maintain nationality-granting authority despite territorial loss;⁶⁷ and creation of a UN Climate Citizenship Protocol to guarantee portable nationality or residency rights for at-risk populations.⁶⁸ Without such reforms, vulnerable groups will continue facing protection gaps as climate impacts intensify.⁶⁹

⁶¹ Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 191–195.

⁶² Platform on Disaster Displacement, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015) <https://disasterdisplacement.org> accessed 16 July 2025.

⁶³ UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration* (11 January 2019) A/RES/73/195.

⁶⁴ African Union, *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa* (2009).

⁶⁵ Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (2015) <https://www.nanseninitiative.org> accessed 16 July 2025.

⁶⁶ Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 186–188.

⁶⁷ Maxine Burkett, 'A Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era' (2011) 2 *Climate Law* 345, 348–350.

⁶⁸ Walter Kälin, 'Conceptualising Climate-Induced Displacement' in Jane McAdam (ed), *Climate Change and Displacement* (Hart Publishing 2010) 89–91.

⁶⁹ Michelle Foster, Jane McAdam and Davina Wadley, 'Protecting People Displaced by the Impacts of Climate Change: The Role of the International Human Rights Regime' (2019) 28 *Law and Development Review* 1, 18–19.

VII. INDIA'S ROLE AND LEGAL PREPAREDNESS

India faces a dual challenge as both a potential source and destination for climate migrants. Vulnerable regions such as Assam, West Bengal, and coastal Andhra Pradesh are increasingly at risk of climate-induced displacement,⁷⁰ while India may also receive climate-displaced populations from neighbouring countries like Bangladesh, Maldives, and Myanmar.⁷¹

Under India's current legal framework, significant gaps exist in addressing climate migration. The country lacks formal recognition of climate migrants, and existing citizenship debates—such as those surrounding the Citizenship Amendment Act (2019) and the National Register of Citizens in Assam—have become highly politicized, complicating potential policy responses.⁷² Furthermore, India's asylum system operates on an ad hoc basis without a codified refugee or statelessness law,⁷³ leaving climate-displaced individuals without clear protections.⁷⁴

Legal reforms are urgently needed to address these challenges. India should enact comprehensive asylum and statelessness legislation that includes specific provisions for environmentally displaced persons.⁷⁵ Establishing statutory guidelines for their protection and ensuring non-refoulement safeguards—even in the absence of formal refugee status—would be critical steps toward a more structured and humane approach to climate migration.⁷⁶ Without these measures, India risks being unprepared for the growing humanitarian and legal complexities posed by climate-induced displacement.⁷⁷

VIII. LEGAL AND POLICY RECOMMENDATIONS

To address the growing crisis of climate-induced displacement and statelessness, a comprehensive international legal framework must be developed. First, the adoption of a Global Convention on Climate-Induced Displacement is imperative, establishing clear

⁷⁰ IDMC, *Disaster Displacement in India: 2023 Country Profile* (Internal Displacement Monitoring Centre 2024) <https://www.internal-displacement.org> accessed 16 July 2025.

⁷¹ Sanjay Chaturvedi, 'The Geopolitics of Climate Migration in South Asia' (2015) 38 *Strategic Analysis* 825.

⁷² Niraja Gopal Jayal, 'The Citizenship Amendment Act and the NRC: A New Regime of Citizenship in India' (2020) 55(1) *Economic and Political Weekly* 61.

⁷³ Shuvro Prosun Sarker, 'India's Approach to Refugee Protection: Between Ad Hocism and Normative Vacuum' (2020) 32 *International Journal of Refugee Law* 395.

⁷⁴ UNHCR, *Submission for the OHCHR Study on the Human Rights of Stateless People in India* (2021) <https://www.unhcr.org> accessed 16 July 2025.

⁷⁵ Lok Sabha Secretariat, *Stateless Persons in India: Status and Legal Framework* (Standing Committee Report No 235, 2021).

⁷⁶ UNHCR, *Climate Change and Disaster Displacement in South Asia* (2022) 14–16.

⁷⁷ Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 211–212.

definitions, protection obligations, and durable solutions for affected populations.⁷⁸ Second, the international community should formally recognize the concept of de-territorialized statehood through United Nations General Assembly resolutions or advisory opinions from the International Court of Justice, ensuring submerged nations retain their legal personality and capacity to confer nationality.⁷⁹

Third, a Climate Citizenship Framework should be created to allow dual or portable citizenship arrangements, enabling displaced populations to maintain legal identity through cooperative agreements with host states.⁸⁰ Fourth, regional solutions must be pursued, such as a South Asian Compact on Environmental Displacement modelled after the successful Kampala Convention in Africa.⁸¹ Fifth, the United Nations should appoint a Special Rapporteur on Climate Displacement and Statelessness to monitor situations, develop guidelines, and advocate for vulnerable populations.⁸²

Finally, substantial investments in capacity building and data collection are needed, including the development of national registries to identify and track at-risk populations.⁸³ These measures would create a multilayered approach to prevent statelessness while ensuring protection and dignity for climate-displaced persons worldwide. Without such coordinated action, the international community risks failing to address one of the most pressing humanitarian challenges of our time.⁸⁴

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⁷⁸Jane McAdam, *Climate Change, Forced Migration, and International Law* (OUP 2012) 198–202.

⁷⁹Jenny Grote Stoutenburg, *Disappearing Island States in International Law* (Brill 2015) 172–176; UNGA Res 77/119 (15 December 2022) UN Doc A/RES/77/119.

⁸⁰Maxine Burkett, 'The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era' (2011) 2 *Climate Law* 345, 350.

⁸¹African Union, *Kampala Convention on the Protection and Assistance of Internally Displaced Persons in Africa* (2009); Sanjay Chaturvedi, 'The Case for a South Asian Regional Compact on Climate Displacement' (2016) *South Asian Survey* 23(2) 156.

⁸²UNHCR, *Climate Change and Statelessness: An Overview* (2021) <https://www.unhcr.org> accessed 16 July 2025.

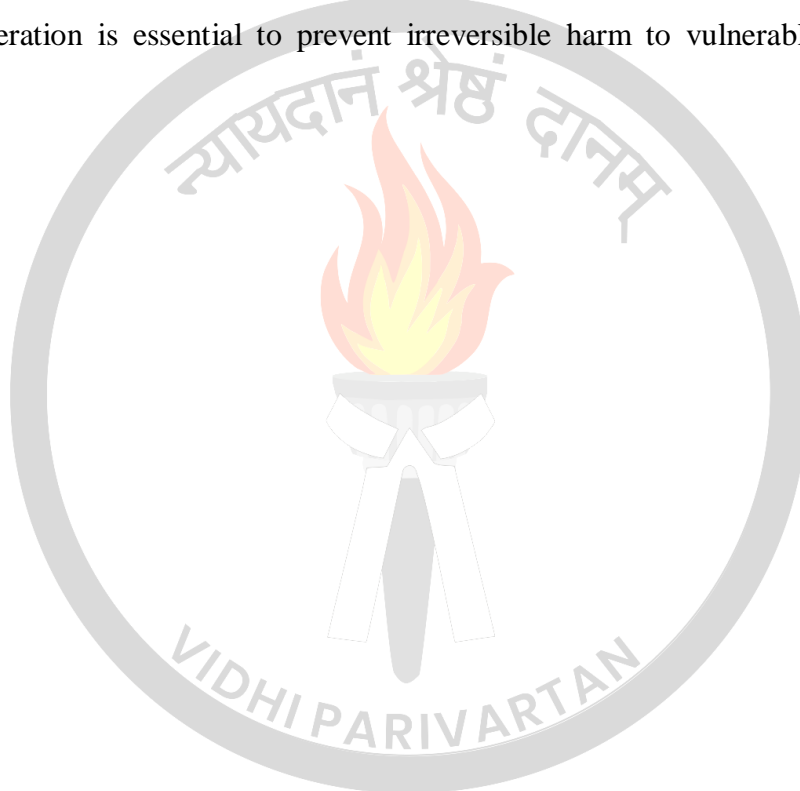
⁸³Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2024* (2024) <https://www.internal-displacement.org> accessed 16 July 2025.

⁸⁴Michelle Foster, Jane McAdam and Davina Wadley, 'Protecting People Displaced by the Impacts of Climate Change: The Role of the International Human Rights Regime' (2019) 28 *Law and Development Review* 1, 22.

IX. CONCLUSION

Climate change has exposed critical gaps in international legal protections for displaced and stateless populations. As rising seas threaten sovereign territories and force millions to migrate, the lack of legal safeguards risks creating a permanent humanitarian crisis that erodes fundamental rights and global stability.

The international community must act urgently to reform legal frameworks governing statelessness, migration, and statehood. Integrating climate realities into human rights and nationality law cannot wait until nations disappear and populations lose legal recognition. Proactive cooperation is essential to prevent irreversible harm to vulnerable communities worldwide.



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