

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 8 | Issue 1

2025

© 2025 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Climate Refugees: A Study on Ioane Teitiota's Efforts for Climate Change

MEKA GARGI SINDHOORA¹ AND FRANCIS PIOUS²

ABSTRACT

The case of Teitiota v. New Zealand marked a watershed moment in climate migration law. When Ioane Teitiota sought asylum in New Zealand due to rising sea levels threatening his home nation of Kiribati, his case sparked unprecedented legal questions about climate change's role in refugee protection.

Although New Zealand's courts rejected Teitiota's application, the subsequent review by the UN Human Rights Committee established groundbreaking precedent. This paper investigates how the Teitiota decision illuminates the gaps between traditional refugee law, built around individual persecution, and the collective threat posed by climate change. The Committee's acknowledgment that environmental degradation could trigger non-refoulement obligations marks a significant shift in international legal thinking.

Yet substantial obstacles remain. The current requirement to demonstrate immediate personal danger creates a problematic threshold for climate displacement cases, where threats often develop gradually. This analysis argues for fundamentally reimagining refugee protections to accommodate environmental displacement. As climate change accelerates, the Teitiota case offers crucial lessons for developing legal frameworks that can effectively protect climate migrants. The international community must move beyond traditional refugee paradigms to create new mechanisms addressing the unique challenges of environmental displacement.

Keywords: *climate refugees, climate change, refugee law, international human rights law, Ioane Teitiota.*

I. INTRODUCTION

“The World Bank’s updated Groundswell report released today finds that climate change, an increasingly potent driver of migration, could force 216 million people across six world regions to move within their countries by 2050.”³ The rapid pace of climate change is reshaping migration patterns and challenging existing legal frameworks to address emerging human rights

¹ Author is a student at Damodaram Sanjivayya National Law University, India.

² Author is a student at Damodaram Sanjivayya National Law University, India.

³ World Bank, ‘Climate change could force 216 million People to Migrate within their own countries by 2050.’, (September 13, 2021) <<https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>>, accessed May 15th, 2024.

issues. The unprecedented challenges posed by climate-induced displacement demand a reassessment of international legal frameworks to ensure they remain responsive and equitable. Despite these challenges, international refugee law, particularly the 1951 Refugee Convention, remains ill-equipped to address the plight of climate refugees. This paper examines the landmark case of Ioane Teitiota, whose pursuit of refugee status in New Zealand brought critical gaps in international legal protections to the forefront.

“As early as 1990 the Intergovernmental Panel on Climate Change (IPCC) noted that the greatest single impact of climate change might be on human migration—with millions of people displaced by shoreline erosion, coastal flooding and agricultural disruption.”⁴ “In its recent report in 2022, the IPCC projects that over a billion of people could be potentially exposed to coast specific climate hazards which would drive tens of thousands out of their homeland.”⁵ In essence, climate change will trigger mass migrations as certain regions become increasingly uninhabitable. It will disrupt essential resources like food and water supplies, making them scarce and unreliable. Additionally, climate change will lead to an escalation in the frequency and intensity of natural disasters such as floods and storms, further exacerbating the challenges faced by affected populations. The harsh realities of environmental degradation, resource scarcity, and natural disasters have displaced countless communities, compelling them to seek refuge beyond their borders. Since 2008, over 376 million people have been displaced as a result of climate disasters. “In 2022 alone, 36.2 million people were displaced because of natural disasters brought about by climate change, and while many found refuge within their own country, some were forced to go abroad.”⁶ These refugees are commonly referred as climate refugees.

The concept of "climate refugees" has been a topic of discussion and debate in the public sphere for nearly four decades. It was in 1985 when the term gained prominence, as Essam El-Hinnawi, an expert from the United Nations Environment Programme (UNEP), introduced a defining description as those “people who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life.”⁷ However,

⁴ Oli Brown, ‘Migration and Climate Change’ Vol no. 31, International Organisation for Migration, Migration Research Series 9 <https://www.ipcc.ch/apps/njlite/srex/njlite_download.php?id=5866

⁵ <https://www.ipcc.ch/report/ar6/wg2/> accessed on May 15th 2024.

⁶ Joanna Apap, Sami James Harju, The concept of 'climate refugee' Towards a possible definition, 2 European Parliamentary Research Service (2023), <[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI\(2021\)698753_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI(2021)698753_EN.pdf)>, accessed on May 15th 2024.

⁷ Essam El-Hinnawi, Environmental Refugees, 4 (United Nations Environment Programme, 1985) <https://digitallibrary.un.org/record/121267/files/UNEP%2802%29_E52-E.pdf>, accessed on 16th May, 2024.

despite this groundbreaking realization, the international community's efforts to address the issue of climate-induced displacement have often fallen short, lacking the necessary strength and sustained political commitment. Though term "climate refugees" has gained traction in public discourse, it lacks formal recognition and endorsement from international legal frameworks and the United Nations. This absence of a universally accepted definition reflects the complexity of the issue and the challenges in developing a comprehensive approach to address the plight of individuals and communities forced to relocate due to environmental factors exacerbated by climate change. For the purpose of this research the term "climate refugees" is used to describe these displaced persons, whose circumstances have necessitated a search for safer havens beyond their national borders as a direct or indirect result of the changing climate patterns.

“The Human Rights Committee (HRC), the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its States parties (ICCPR)”⁸ rendered a significant ruling in the matter of *Ioane Teitiota v. New Zealand*. Teitiota’s case, while ultimately unsuccessful, marked a turning point in recognizing climate-induced displacement as a pressing human rights issue. It highlighted the limitations of current frameworks, including the Refugee Convention’s narrow persecution requirements, and underscored the need for a broader interpretation of non-refoulement obligations in the context of environmental degradation. This is because the HRC acknowledged for the first time that a person's right to life under the ICCPR may be violated if they are forced to return to a set up where their life would be in danger as a result of the negative effects of climate change. The committee acknowledged that governments must take into account human rights violations brought on by the climate change when evaluating the deportation of those seeking asylum and that states have an obligation to refrain from forcibly returning people to areas where there is a genuine risk to their right to life.

The United Nations High Commissioner for Refugees (UNHCR) which is an agency of the united states to protect and aid forcibly displaced communities, stateless persons etc, views it as a momentous decision that could have far-reaching effects for the international safety of those who have been displaced by natural catastrophes and climate change. On the other hand, International NGOs like the Amnesty International state that “the decision sets a global precedent,” it states that, “a country will violate its human rights obligations if it sends someone

⁸ Human Rights Committee, United Nations, < [© 2025. International Journal of Law Management & Humanities](https://www.ohchr.org/en/treaty-bodies/ccpr/introduction-committee#:~:text=The%20Human%20Rights%20Committee%20is,political%20rights%20are%20being%20implemented.> accessed on 16th May,2024.</p></div><div data-bbox=)

back to a nation where their life is at risk or they face cruel, inhumane, or degrading treatment because of the climate crisis.”⁹ In addition scholars consider this case "an important legal advancement in protecting climate refugees" under international human rights law. "This research begins with an analysis of the Teitiota case, followed by a critique of the Refugee Convention’s limitations and a discussion on the evolving recognition of climate-induced displacement in international human rights law. It concludes with recommendations for reframing legal protections to address the complex realities of climate refugees."

II. IOANE TEITIOTA: THE FIRST CLIMATE REFUGEE CASE

When it comes to the relationship between climate change, forced migration, and human rights, the Teitiota v. New Zealand¹⁰ case brings to light some of the ambiguities around the cause, language, and requirements for protection. The case of Ioane Teitiota v. New Zealand¹¹ represents the first legal attempt to classify an individual displaced by climate change as a refugee under international law, thereby exposing the limitations of current legal frameworks.

(A) Background and Facts of the Case

Ioane Teitiota and his spouse struggled to make ends meet on poor land that was regularly flooded and overflowed at high tides in the early 2000s. As a result, they made the decision to relocate to New Zealand in 2007 from their home on Tarawa, one of Kiribati's low-lying Pacific islands. They secured employment and work visas in New Zealand, scraping together just enough funds for their travel. Over the following years, they diligently worked, welcomed three children, and settled into their new life – a scenario commonly termed 'economic migration.' However, complications arose when their visas expired, and they unintentionally neglected to renew them promptly. Teitiota and his family found themselves at an impasse regarding their legal status in New Zealand, ultimately leading to their logical deportation back to Kiribati.

(B) Legal Arguments and Evidence

Michael Kidd, an entrepreneurial lawyer and activist, agreed to help Teitiota and his family by framing an alternative claim as "climate refugees." "Section 198 of the Immigration Act 2009, to which New Zealand is party, allows for the right to remain in New Zealand either as a refugee under the Refugee Convention 1951"¹² or, "alternatively, on the basis of complementary

⁹ 'UN landmark case for people displaced by climate change', Amnesty International (Jan 20, 2020), <<https://www.amnesty.org/en/latest/news/2020/01/un-landmark-case-for-people-displaced-by-climate-change/>>, accessed on 17th May, 2024.

¹⁰ Ioane Teitiota vs New Zealand CCPR/C/127/D/2728/2016 (2020).

¹¹ Ibid

¹² Refugee Convention, July 28, 1951, vol. 189, p. 137.

protection under several other human rights treaties, including the International Covenant on Civil and Political Rights 1966 and the Convention Against Torture 1984.”¹³ This is the basis upon which an asylum application was filed. Teitiota's evidence consisted of his own testimony, the findings of an expert witness regarding the effects of climate change in the area, and Kiribati's 2007 National Adaptation Programme of Action, which was filed with the UN Framework Convention on Climate Change. Every court, including the Human Rights Committee and the Immigration and Protection Tribunal, deemed the evidence to be trustworthy. The evidence described the following: loss of arable and habitable land; increasing storm surges and flooding; contaminated inadequate potable water sources resulting in diseases, particularly in children; and violent clashes between neighbours. It was acknowledged that the impacts of both abrupt and gradual climate change were responsible for at least some of the declining living standards on the islands.

(C) Judicial Decisions Across Various Courts

“Ioane Teitiota's application for refugee status was rejected by the New Zealand Immigration and Protection Tribunal (IPT), followed by the High Court and Court of Appeal in 2013 and 2014, respectively. These decisions were later upheld by the Supreme Court in 2015.”¹⁴ While the New Zealand IPT, High Court, Court of Appeal, and Supreme Court acknowledged the difficult situation in Kiribati, they consistently maintained that "an individual seeking to improve their circumstances by escaping the perceived effects of climate change does not qualify as a refugee under Article 1A(2) of the Refugee Convention" The courts determined that it was not within their jurisdiction to expand the scope of the Refugee Convention. After the Supreme Court ruling, Ioane Teitiota was deported from New Zealand back to Kiribati in 2015. “Subsequently, Teitiota filed a complaint with the Human Rights Committee (HRC), asserting that New Zealand had violated his right to life by deporting him to Kiribati.”¹⁵

The Human Rights Committee (HRC) advocated for a broad interpretation of the right to life when assessing the validity of the complainant's case. In General Comment No. 36 from 2018, the HRC expanded the definition of the right to life to include living with dignity., and emphasised that “environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life”¹⁶ However, the HRC also established that proving a

¹³ *Supra* at 7.

¹⁴ *Ioane Teitiota vs The Chief Executive of the Ministry of Business, Innovation and Employment* (2015) NZSC 107.

¹⁵ *Ioane Teitiota* (n 8)

¹⁶ *ibid* ¶ 9.4.

genuine risk of irreversible harm requires meeting stringent criteria. The key question in Teitiota's situation was whether returning to Kiribati would expose him to genuine, direct, and predictable threats to his right to life.

“The HRC acknowledged the expert evidence presented, which stated that 60% of the population in South Tarawa, the capital of the Republic of Kiribati, solely relies on rationed freshwater supplies, in relation to Teitiota's claim of a lack of potable water due to saltwater contamination caused by rising sea levels.”¹⁷ Moreover, “the HRC accepted Teitiota's contention that agricultural activities in his homeland have become significantly more challenging due to increased soil salinity resulting from rising sea levels.”¹⁸ Despite acknowledging the difficulties residents face in accessing potable water and cultivating crops, the HRC determined that it was not proven to the extent that these activities were rendered impossible. The Human Rights Committee examined whether Teitiota faced a threat to his life due to increasing violence in Kiribati, where conflicts over limited livable land were becoming more common. “It concluded that Teitiota failed to demonstrate clear arbitrariness or error in the domestic authorities' assessment of whether he faced a real, personal, and reasonably foreseeable risk of a threat to his right to life in this regard.”¹⁹

The Human Rights Committee recognized that both sudden and gradual climate change impacts pose a legitimate threat to Kiribati's habitability. They acknowledged that within 10-15 years, there is a genuine possibility that Kiribati could become submerged underwater and unlivable. The Committee found these circumstances serious enough to warrant consideration under Article 6 of the International Covenant on Civil and Political Rights. But it seems that the hurry is what makes the breach of Article 6 of the ICCPR so serious. The HRC found that Kiribati's general human rights situation was not yet intolerable, and the government of Kiribati is actively working to mitigate the negative effects of climate change. “It emphasized that there is still an opportunity for Kiribati and the international community to intervene and address the grave situation of the islands.”²⁰ As a result, the HRC did not conclude that the evaluation of the New Zealand authorities was blatantly arbitrary or constituted a flagrant error or miscarriage of justice, nor did it find that the courts breached their obligation of autonomy and neutrality. Consequently, the complaint was dismissed.

¹⁷ *ibid* ¶ 9.8.

¹⁸ *ibid*, ¶ 9.9.

¹⁹ *ibid* ¶ 9.7.

²⁰ *Ionae Teitiota* (n 8) ¶ 9.12.

(D) Key Findings and Implications

While the HRC's decision stopped short of addressing life-right violations, it introduced novel elements that might support future asylum claims from those fleeing climate change-related threats. This creates a possible legal pathway for climate-driven refugee protection under non-refoulement principles. The HRC emphasized in the paragraph below that the absence of alternative sources for basic sustenance could pose a threat to the right to life:

The Committee recognizes that “in certain places, the lack of alternatives to subsistence livelihoods may place individuals at a heightened risk of vulnerability to the adverse effects of climate change”²¹.

Furthermore, it is important to highlight that the HRC not only issued a broad declaration regarding the responsibilities of both recipient and sender States but also directed its message to the global community at large, cautioning against potential breaches of the right to life as outlined in Article 6 of the ICCPR. This conclusion was reached through an unconventional process. The Committee maintained its position, despite recognizing that New Zealand's officials had thoroughly evaluated the author's situation in accordance with the requirements of the Covenant:

Without prejudice to the continuing responsibility of the State party to take into account in future deportation cases the situation at the time in Kiribati and new and updated data on the effects of climate change and rising sea levels thereupon, “the Committee is not in a position to hold that the author’s rights under article 6 of the Covenant were violated upon his deportation to Kiribati in 2015.”²²

In essence, the inaugural decision by the treaty bodies regarding climate refugees emphasized that the right to life encompasses living with dignity and can be jeopardized by a lack of sustainable livelihoods. This illuminated the intersection between civil and political rights and economic, social, and cultural rights, transitioning theoretical norms into practical application through the scrutiny of a specific case involving climate refugees. Moreover, it served as a caution to domestic authorities, stressing the importance of accurately evaluating the evolving economic and social impacts of climate change in assessing asylum claims to avoid rulings being deemed arbitrary or unjust by the HRC.

Notably, two committee members disagreed with the majority and backed Teitiota's assertion. Both of them argued for a higher burden of proof on the State party, citing the infringement of

²¹ *ibid.*, ¶ 9.9.

²² *ibid.* ¶ 9.14.

Teitiota and his family's economic and social rights, including access to clean drinking water, health, and livelihoods.

(E) Dissent

Ms. Vasilina Sancin, in her dissent, highlighted that Teitiota and his family's right to life would be violated by this severe circumstance, citing New Zealand's inability to present evidence of a proper evaluation of Teitiota and his family's access to safe drinking water in Kiribati. In a similar vein, Committee member Mr. Duncan Laki Muhumuza dissented, arguing that tackling the irreversible problems brought on by climate change should prioritise people. He stressed that the conditions of life described by Teitiota, stemming from climate change in Kiribati, were severe and posed a foreseeable threat to his life, highlighting the lack of access to safe drinking water as a factor diminishing their dignity and health.

III. RECOGNITION OF CLIMATE REFUGEES IN INTERNATIONAL LAW

The Refugee Convention²³, the primary framework for refugee protection, currently does not explicitly include provisions for climate refugees, as illustrated in the Ioane Teitiota case. Consequently, climate refugees, considered a novel category, do not automatically benefit from the protections outlined in the Convention. Exceptions might arise only if the effects of climate change leading to refugee status also involve a threat of persecution, aligning with the criteria outlined in the Refugee Convention. Therefore, there is a pressing need for additional research on legal safeguards for climate refugees within the realm of international law.

Article 33(1) of the Refugee Convention²⁴ states that “no Contracting State should expel or return a refugee if such actions would endanger their life or freedom due to factors like race, religion, nationality, membership in a social group, or political opinion”. This principle is widely regarded as customary international law, obligating all states, regardless of their affiliation with the Refugee Convention. This perspective is grounded in consistent state practices and a shared recognition among nations that the principle holds normative significance. Additionally, this principle is echoed in several international and regional agreements concerning refugees, including: a) the Convention relating to the International Status of Refugees²⁵; b) the Convention relating to the Status of Stateless Persons²⁶; c) the United Nations Declaration on Territorial Asylum²⁷; d) the OAU Convention Governing the

²³ *Supra.* at 17.

²⁴ *Supra.* at 7.

²⁵ Convention relating to the International Status of Refugees, 28 July 1951

²⁶ Convention relating to the Status of Stateless Persons, 28 September 1954

²⁷ Declaration on Territorial Asylum, New York, 14 December 1967

Specific Aspects of Refugee Problems in Africa (OAU Convention)²⁸; and e) the Cartagena Declaration on Refugees²⁹. These legal frameworks address the protection of climate refugees to varying extents. The regional instruments offer broader definitions of refugees compared to the Refugee Convention, potentially encompassing climate refugees by interpreting phrases such as "seriously disturbed public order" to include the impacts of climate change, thereby triggering non-refoulement obligations.³⁰(UNHCR, 2021). However, it's important to note that these instruments apply only within their respective regions.

The non-refoulement principle, which prohibits the return of individuals to places where they may face torture or other forms of mistreatment, is not only governed by the Refugee Convention but also by broader international human rights law. Specifically, Article 3 of the United Nations Convention against Torture³¹ explicitly addresses this principle, extending beyond torture to include cruel, inhuman, and degrading treatment or punishment. Additionally, violations of Article 6 of the International Covenant on Civil and Political Rights (ICCPR)³², which guarantees the right to life, also trigger the application of the non-refoulement principle. The right to life, as outlined in various international and regional human rights instruments, encompasses living with dignity and access to basic necessities. Climate change poses a significant threat to the enjoyment of this right, as recognized in Human Rights Council resolutions and recommendations such as those in the *Ioane Teitiota* case.

IV. UNHCR'S MANDATE AND RESPONSIBILITY TOWARDS CLIMATE REFUGEES

The UNHCR, mandated by the United Nations, operates with a humanitarian focus and collaborates with governments to find lasting solutions for refugees. While its mandate is primarily to protect Convention refugees under the authority of the UN General Assembly or ECOSOC, the UNHCR also engages in "good offices" activities beyond its official mandates. To address climate change-induced displacement, the UNHCR participates in initiatives like the Nansen Initiative³³ and the Platform on Disaster Displacement, which develop programs for cross-border displacement as an extension of its Protection Agenda. Additionally, the UNHCR works with governments to provide humanitarian aid to those forced to leave their homes due to climate change effects, particularly in areas prone to repeated displacement, known as

²⁸ OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 10 September, 1969

²⁹ Cartagena Declaration on Refugees, 22 November 1984

³⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (10 December 1984), Art.3

³¹ United Nations Convention against Torture, June 26, 1987, vol. 1465, p. 85.

³² International Covenant on Civil and Political Rights, (16 December 1966), Art.6

³³ Guy S Goodwin-Gill and Jane McAdam, 'UNHCR & Climate Change, Disasters and Displacement, (2017), <https://disasterdisplacement.org/wpcontent/uploads/2018/04/unhcr_climate_change_disasters_and_displacement.pdf>, accessed on 25th May, 2024.

"climate change hotspots."

Moreover, the UNHCR actively contributes to the supervision, implementation, and proposal of amendments to international refugee law instruments through various documents, recommendations, and reports. In the realm of climate refugees, the UNHCR has adopted the "Legal Considerations regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters," recognizing climate change threats that may necessitate the application of the Refugee Convention and acknowledging the relevance of regional instruments like the OAU Convention and the Cartagena Declaration in protecting climate-induced displaced persons.

V. PROMISING DEVELOPMENTS IN CLIMATE CHANGE LAW AND DISPLACEMENTS

(A) Climate Change Litigation: A tool for Accountability

Climate lawsuits have emerged as a powerful new tool in environmental protection, with citizens increasingly taking both companies and governments to court over their failure to address climate change effectively. What makes these cases particularly interesting is how they're leveraging human rights arguments - essentially saying that inadequate climate action violates fundamental human rights. This approach has proven successful in several landmark cases, opening up new avenues for ordinary people to push for stronger climate policies and hold authorities responsible for their climate inaction. These cases are helping to reshape how we think about environmental responsibility and accountability in our legal systems.

Think of it like holding someone accountable for a promise - if a government pledges to reduce emissions but doesn't take meaningful action, people can now use the courts to essentially say "you're not protecting our fundamental rights by failing to address this crisis." It's adding real teeth to climate action by moving it from the realm of policy promises into legally binding obligations.

For instance, the ground breaking case of *Urgenda v. Dutch Government*³⁴ marked the first time a government was successfully held accountable for insufficient climate action through the lens of human rights law. The court determined that by failing to implement adequate carbon emission reductions—as recommended by scientific experts, the Dutch state had violated its citizens' fundamental rights to life and well-being under Articles 2 and 8 of the European Convention on Human Rights³⁵. This landmark ruling compelled the Dutch government to establish more stringent targets for reducing their greenhouse gas emissions to better protect

³⁴ *Urgenda v. Dutch Government*, HAZA C/09/00456689 2019

³⁵ European Convention on Human Rights, (1 August 2021) Art. No 2 and Art. No. 8

their citizens' futures. This case essentially established that governments can be legally required to take stronger action on climate change to safeguard their citizens' basic human rights. It transformed abstract climate goals into concrete legal obligations, with real consequences for non-compliance.

In another similar instance of *Friends of the Irish Environment v. The Irish Government*³⁶ environmental advocates successfully challenged their government's inadequate climate response. The court determined that Ireland's strategy for reducing emissions fell short of both legal requirements and their previous climate commitments. The advocacy group presented compelling evidence about the human cost of insufficient action – they painted a vivid picture of the potential devastation that could befall communities if stronger measures weren't implemented. Their argument centered on the stark reality that without more robust climate action, people could lose their lives, their homes could be destroyed, and their means of earning a living could vanish.

Litigation addressing displacement specifically has also gained traction. For instance, in 2022, the UN Human Rights Committee held Australia accountable for failing to protect the Torres Strait Islanders from climate-induced impacts. The ruling recognized breaches of their rights to private life and culture due to inadequate adaptation measures like seawalls and insufficient emissions reduction efforts. These cases highlight the growing recognition of immediate human rights violations caused by climate change and the potential for litigation to drive policy reforms.³⁷

(B) The Nansen Initiative: A Milestone in Protecting Climate-Displaced Persons

The Nansen Initiative, launched by Norway and Switzerland in 2012, represents a significant step toward addressing cross-border displacement caused by climate-related events. Its goal was to build consensus among states on a Protection Agenda that outlines standards for treating climate-displaced persons. Although non-binding, the agenda has been endorsed by over 100 states and paved the way for subsequent global frameworks, including the Paris Agreement.

The Initiative emphasized practical tools for states, such as disaster preparedness and regional cooperation, rather than advocating for a binding convention. This pragmatic approach has influenced global efforts, culminating in initiatives like the InsuResilience Global Partnership and the integration of displacement issues into COP deliberations. For example, COP24 in 2018

³⁶ *Friends of the Irish Environment v. The Irish Government* [Record No. 2018/391 JR]

³⁷ *Daniel Billy and others v Australia (Torres Strait Islanders Petition)*, CCPR/C/135/D/3624/2019

formalized discussions around human mobility in the context of climate change,³⁸ while COP27 in 2022 recognized forced displacement as a form of “loss and damage” under international agreements.³⁹

While the Nansen Initiative and related frameworks focus on prevention and response, they do not address the legal status of climate-displaced persons, leaving a critical gap. However, these developments demonstrate growing acknowledgment of the need for comprehensive solutions.

VI. CONCLUSION

The growing phenomenon of climate-induced displacement underscores the urgent need for a cohesive legal framework that addresses the complexities of this emerging crisis. While the case of *Ioane Teitiota v. New Zealand*⁴⁰ highlighted the limitations of existing international refugee law, it also served as a catalyst for advancements in recognizing climate refugees' rights under human rights frameworks. The introduction of climate change litigation, as seen in *Urgenda v. The Dutch Government*⁴¹ and *Friends of the Irish Environment v. The Irish Government*,⁴² demonstrates the power of legal action in holding governments accountable for their mitigation failures and protecting citizens' fundamental rights.

Simultaneously, international initiatives such as the Nansen Initiative and the subsequent Protection Agenda provide critical tools for addressing climate displacement. These frameworks emphasize prevention, disaster preparedness, and regional cooperation, offering a pragmatic yet incomplete response to the challenges faced by climate-displaced persons. The lack of a binding international convention addressing their legal status remains a significant gap that must be bridged to ensure robust protections.

Moving forward, a multilateral approach that integrates the enforcement mechanisms of climate litigation with the collaborative frameworks of international agreements is essential. Such a hybrid strategy can safeguard human rights, enhance accountability, and provide the necessary support for those displaced by climate change. As the global community confronts escalating environmental crises, bold legal and policy reforms are imperative to uphold the dignity and rights of the most vulnerable populations in this era of unprecedented change.

³⁸ World Health Organization, COP24 Special Report “Health & Climate Change” <https://unfccc.int/sites/default/files/resource/WHO%20COP24%20Special%20Report_final.pdf>, Accessed on 30th May, 2024.

³⁹ Pacific Perspectives Briefing Series, ‘Policy Primer on Loss and Damage Considerations for Pacific Island Countries (2022) <<https://www.undp.org/sites/g/files/zskgke326/files/2023-11/undp-pacific-loss-and-damage-final-2023.pdf>>, accessed on 2nd June 2024.

⁴⁰ *Ioane Teitiota* (n 8)

⁴¹ *Urgenda* (n 32)

⁴² *Friends of the Irish Environment* (n 34)

VII. BIBLIOGRAPHY

(A) Online resources:

1. World Bank, 'Climate change could force 216 million People to Migrate within their own countries by 2050.', (September 13,2021), <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>
2. Oli Brown, 'Migration and Climate Change' Vol no. 31, International Organisation for Migration, Migration Research Series 9 https://www.ipcc.ch/apps/nj-lite/srex/nj-lite_download.php?id=5866<https://www.ipcc.ch/report/ar6/wg2/>
3. Joanna Apap, Sami James Harju, The concept of 'climate refugee' Towards a possible definition, 2 European Parliamentary Research Service (2023), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI\(2021\)698753_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698753/EPRS_BRI(2021)698753_EN.pdf)
4. Essam El-Hinnawi, Environmental Refugees, 4 (United Nations Environment Programme, 1985) https://digitallibrary.un.org/record/121267/files/UNEP%2802%29_E52-E.pdf
5. Human Rights Committee, United Nations, <https://www.ohchr.org/en/treaty-bodies/ccpr/introduction-committee>.
6. 'UN landmark case for people displaced by climate change', Amnesty International (Jan 20, 2020), <https://www.amnesty.org/en/latest/news/2020/01/un-landmark-case-for-people-displaced-by-climate-change/>
7. World Health Organization, COP24 Special Report "Health & Climate Change" https://unfccc.int/sites/default/files/resource/WHO%20COP24%20Special%20Report_final.pdf
8. Guy S Goodwin-Gill and Jane McAdam, 'UNHCR & Climate Change, Disasters and Displacement', (2017), https://disasterdisplacement.org/wp-content/uploads/2018/04/unhcr_climate_change_disasters_and_displacement.pdf
9. Pacific Perspectives Briefing Series, 'Policy Primer on Loss and Damage Considerations for Pacific Island Countries (2022) <https://www.undp.org/sites/g/files/zskgke326/files/2023-11/undp-pacific-loss-and-damage-final-2023.pdf>

(B) Conventions:

1. Refugee Convention, July 28, 1951.
2. Convention relating to the International Status of Refugees, 28 July 1951

3. Convention relating to the Status of Stateless Persons, 28 September 1954
4. OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, 10 September, 1969
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984
6. United Nations Convention against Torture, June 26, 1987
7. European Convention on Human Rights, 1 August 2021

(C) Treaties:

1. International Covenant on Civil and Political Rights, 16 December 1966
2. Declaration on Territorial Asylum, New York, 14 December 1967
3. Cartagena Declaration on Refugees, 22 November 1984

(D) Case laws:

1. *Ionae Teitiota vs New Zealand* CCPR/C/127/D/2728/2016 (2020).
2. *Ionae Teitiota vs The Chief Executive of the Ministry of Business, Innovation and Employment* (2015) NZSC 107.
3. *Urgenda v. Dutch Government*, HAZA C/09/00456689 2019
4. *Friends of the Irish Environment v. The Irish Government* [Record No. 2018/391 JR]
5. *Daniel Billy and others v Australia (Torres Strait Islanders Petition)* , CCPR/C/135/D/3624/2019
