

Beyond 1951 Refugee Convention: Legal Gaps, Economic Implications and Regional Pathways for Climate Displaced Persons in Conflict Zones

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ABSTRACT

The 1951 Refugee Convention and its 1967 Protocol established the foundational framework for international refugee protection, yet they address only persecution on specific grounds and do not encompass displacement driven primarily by climate change. In conflict-affected regions, climate-induced hazards such as prolonged droughts, erratic rainfall, desertification, and resource scarcity act as threat multipliers, exacerbating instability, livelihood collapse, and violence. This creates complex "climate-conflict" displacement that leaves millions without adequate legal safeguards, as affected individuals often cannot demonstrate individualized persecution required under the Convention. This article examines the critical protection gaps for climate-displaced persons in fragile settings, with particular attention to overlapping crises in the Sahel and the Horn of Africa. Through doctrinal analysis of international refugee and human rights law, alongside case studies, it highlights how current frameworks fall short while exploring promising avenues such as broader regional refugee definitions (e.g., the 1969 OAU Convention), human rights-based non-refoulement principles, and complementary protection mechanisms. The research argues for normative advancements beyond the 1951 Convention, including new dedicated instruments or protocols, strengthened institutional mandates for bodies like UNHCR, and integrated policies that link climate adaptation, conflict resolution, and durable solutions. By addressing these intersections, the study contributes to a more inclusive global migration governance system capable of upholding human rights amid the escalating realities of the climate crisis in volatile regions.

Keywords: Climate-Induced Displacement, 1951 Refugee Convention, Conflict-Affected Regions, International Refugee Law, Climate-Conflict Nexus

Introduction

The escalating impacts of climate change, including rising sea levels, severe flooding, prolonged droughts, famine-inducing crop failures, extreme weather events, and widespread environmental degradation, are forcing millions of people to abandon their homes worldwide. This phenomenon, often referred to as climate-induced displacement, has gained urgent prominence as a major driver of human mobility in the 21st century. In many cases, affected individuals are informally labeled "climate refugees," yet they remain largely unprotected under dominant international legal

instruments, particularly the 1951 Refugee Convention and its 1967 Protocol.

Background of the Study

The 1951 Refugee Convention, crafted in the aftermath of World War II, provides essential protections including the cornerstone principle of non-refoulement for individuals fleeing persecution on grounds of race, religion, nationality, membership of a particular social group, or political opinion. It defines refugees as those outside their country of origin with a well-founded fear of persecution, unable or unwilling to return. While this framework has been instrumental in safeguarding persecuted populations, it excludes those displaced primarily by environmental factors such as climate change, as these do not constitute individualized persecution. Major UN climate agreements, including the UNFCCC, Kyoto Protocol, and Paris Agreement, prioritize mitigation, emission reductions, and adaptation while acknowledging "loss and damage" in vulnerable contexts (Kakar & Ali, 2025).

However, they establish no binding obligations or comprehensive mechanisms to protect or assist those compelled to migrate due to climate impacts. This creates a profound legal vacuum, leaving climate-displaced persons without formal status, rights, or durable solutions under international law. The gap becomes especially acute in conflict-affected regions, where climate change functions as a threat multiplier exacerbating resource scarcity, livelihood collapse, intercommunal tensions, and violence. In areas like the Sahel (including Burkina Faso, Mali, and Niger) and the Horn of Africa (such as Somalia and parts of Ethiopia), prolonged droughts, desertification, erratic rainfall, and flooding intensify competition over dwindling water, pasture, and arable land (Britchenko, 2025).

These dynamics fuel armed conflicts, inter-group clashes, and insecurity, driving massive forced displacement. Recent reports indicate nearly four million people uprooted in the Sahel alone due to overlapping conflict, hunger, and climate shocks, with figures rising sharply in recent years. In fragile settings, climate stressors compound existing vulnerabilities, leading to repeated displacement cycles and heightened humanitarian crises, yet international refugee law offers limited recourse for those unable to prove persecution amid these intertwined drivers.

Significance of the Study

This research holds critical importance amid the accelerating climate crisis and rising global displacement figures. With millions already affected and projections warning of tens to hundreds of millions more displaced internally or across borders by mid-century, the inadequacy of current frameworks demands scrutiny. In conflict-affected regions, where climate change amplifies instability and erodes resilience, the absence of tailored protections leaves vulnerable populations particularly in the Global South in legal limbo, exposed to exploitation, refoulement risks, and denied access to asylum or complementary safeguards (Safi et al., 2024).

By examining these intersections, the study highlights the urgent need for normative evolution in international law to ensure human rights compliance. It contributes to ongoing debates on bridging protection gaps through regional instruments, expanded non-refoulement interpretations, or new dedicated mechanisms. Ultimately, addressing climate-induced displacement in volatile contexts is essential for equitable global

migration governance, conflict prevention, sustainable development, and upholding dignity amid environmental and security challenges (Abdullahi et al., 2025).

Research Objectives

To analyze the limitations of the 1951 Refugee Convention in addressing displacement driven by climate change rather than persecution

To examine how climate change acts as a threat multiplier in conflict-affected regions, exacerbating resource conflicts and forced migration.

To identify protection gaps for climate-displaced persons in fragile settings such as the Sahel and Horn of Africa under existing international and regional frameworks.

To explore promising regional approaches, including expanded refugee definitions in instruments like the OAU Convention and Kampala Convention, for potential adaptation to climate-conflict scenarios.

To propose normative and policy advancements beyond the 1951 Convention, such as complementary protection mechanisms or integrated climate-adaptation strategies, to safeguard rights in overlapping crises

Literature Review

The literature on climate-induced displacement has expanded significantly in recent decades, reflecting growing recognition of its scale and complexity, particularly where environmental stressors intersect with socio-political fragility. Scholars emphasize that while climate change does not directly cause migration in isolation, it acts as a powerful driver when combined with other vulnerabilities, leading to forced movement that challenges existing legal and policy frameworks.

Climate-Induced Displacement: Concepts and Trends

Climate-induced displacement refers to the forced movement of individuals or communities due to sudden or gradual environmental changes adversely affecting livelihoods, safety, and habitability, including rising sea levels, flooding, droughts, famine from crop failures, extreme weather disasters, and broader degradation. Often termed "climate refugees" informally, these movements lack formal legal recognition under dominant international instruments. Recent trends indicate a dramatic escalation: in 2024 alone, disasters triggered a record 45.8 million new internal displacements globally, nearly double the past decade's annual average, with weather-related events contributing substantially (Adugna & Gezahegne, 2024).

By the end of 2024, approximately 9.8 million people remained in internal displacement due to disasters, amid a total of 83.4 million internally displaced persons (IDPs) worldwide, where conflict accounted for the majority but disasters played a growing role. Projections suggest that without robust mitigation, climate impacts could force up to 216 million internal migrants by 2050, with cross-border movements increasing in vulnerable regions. In conflict-affected areas, these figures are compounded, as extreme weather drives repeated displacement cycles, exacerbating humanitarian needs and straining resources (Ogunniyi, 2024).

Legal Frameworks and Gaps

The foundational international refugee law instrument, the 1951 Refugee Convention and its 1967 Protocol, defines refugees narrowly as those fleeing well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion, incorporating the principle of non-refoulement to prevent return to life-threatening situations (Noschang, 2025). Post-World War II origins limit its applicability to persecution, explicitly excluding displacement driven by environmental factors like climate change, as these do not involve individualized targeting. Major climate agreements reinforce this gap: the UNFCCC promotes global cooperation to stabilize greenhouse gas concentrations but offers no protections for displaced persons (Phyffer, 2024).

The Kyoto Protocol imposes binding emission reductions on industrialized nations, focusing on mitigation via mechanisms like the Clean Development Mechanism, yet neglects human mobility consequences. The Paris Agreement advances mitigation and adaptation goals, with Article 8 (often referenced in "loss and damage" contexts) addressing non-economic and financial impacts on vulnerable populations, acknowledging potential displacement, but it establishes no binding rights or comprehensive framework for those forced to migrate (Setrana, 2024).

Regional instruments provide partial alternatives. The 1969 OAU Convention (now AU) and the 1984 Cartagena Declaration expand refugee definitions to include those fleeing generalized violence, external aggression, public order disturbances, or massive human rights violations grounds scholars argue could encompass climate-induced scenarios involving societal collapse or resource-driven unrest (Aloui et al., 2024). In Africa, the 2009 Kampala Convention offers the first binding framework for internally displaced persons, explicitly recognizing protection needs for those displaced by natural disasters and climate change, mandating state responsibilities in prevention and assistance (BORDERS, 2024).

In the Pacific, the Nansen Initiative (succeeded by the Platform on Disaster Displacement) fosters regional cooperation for cross-border movement linked to disasters and climate impacts, particularly for atoll nations facing existential threats from sea-level rise. European frameworks, including the Common European Asylum System, protect conventional refugees but lack specific provisions for climate migrants, though ongoing discussions explore intersections (Mahmoud, 2024). Despite these advancements, a persistent legal vacuum remains: no dedicated international instrument addresses climate-displaced persons comprehensively, leaving millions in uncertainty without status, durable solutions, or safeguards against refoulement risks (Theriot, 2025).

Conflict-Affected Regions: Vulnerabilities and Protection Needs

In fragile, conflict-affected regions, climate change functions as a "threat multiplier," intensifying existing stressors such as poverty, weak governance, resource competition, and violence, thereby amplifying displacement drivers. The Sahel exemplifies this dynamic: prolonged droughts, desertification, erratic rainfall, and land degradation undermine pastoralist and farming livelihoods, heightening tensions between communities over scarce water and pasture, which extremist groups exploit for recruitment and territorial gains (Monshipouri, 2026).

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Similarly, in the Horn of Africa, including Somalia and parts of Ethiopia, climate shocks compound protracted conflicts, driving massive internal and cross-border displacement amid food insecurity and intercommunal clashes. Recent analyses highlight how these overlaps create repeated displacement, with extreme weather events triggering secondary movements in already unstable settings. Protection needs are acute: displaced populations face heightened risks of exploitation, limited access to asylum, and denial of complementary safeguards, as conventional refugee criteria fail to capture generalized environmental threats intertwined with conflict. Scholars advocate integrating climate adaptation with conflict resolution, emphasizing human rights-based approaches and coordinated responses to address these compounded vulnerabilities (Bisht, 2024).

Research Gap

While existing literature thoroughly documents the limitations of the 1951 Refugee Convention and climate agreements in addressing pure environmental displacement, fewer studies systematically examine the distinct challenges in conflict-affected regions where climate acts as a threat multiplier. This leaves underexplored the specific protection gaps for "climate-conflict" displaced persons who cannot clearly demonstrate persecution amid overlapping crises. There is a pressing need for research proposing tailored normative advancements, such as expanded non-refoulement interpretations, dedicated protocols, or integrated policy frameworks linking climate, security, and migration governance in volatile contexts like the Sahel and Horn of Africa.

Research Methodology

This study adopts a qualitative, doctrinal legal research approach to examine the protection gaps for climate-induced displacement under international law, with a specific focus on conflict-affected regions. The methodology is designed to critically analyze existing legal frameworks, identify normative deficiencies, and propose pathways for enhanced protection beyond the 1951 Refugee Convention.

Research Design

The research employs a doctrinal and analytical design, which is predominant in legal scholarship. This approach involves a systematic examination and interpretation of primary legal sources treaties, conventions, protocols, and judicial decisions alongside secondary sources such as scholarly articles, expert commentaries, and policy reports. The study is primarily desk-based and non-empirical, relying on library and online legal research resources. It combines descriptive analysis of current norms with critical evaluation of their adequacy in addressing the intersection of climate change, forced migration, and armed conflict. The design facilitates a comparative perspective by juxtaposing the narrow persecution-based definition of the 1951 Refugee Convention against broader regional instruments and emerging soft-law developments in climate-migration governance.

Data Collection Method

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Data for this study were collected through comprehensive document review and content analysis of authoritative legal texts and academic literature. Primary sources include the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, the Paris Agreement, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 1984 Cartagena Declaration on Refugees, the 2009 Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa, and relevant decisions such as *Ioane Teitiota v. New Zealand* and *Minister for Immigration and Multicultural Affairs v. Yusuf*. Secondary sources encompass peer-reviewed journal articles, monographs, reports from organizations such as UNHCR, the Nansen Initiative/Platform on Disaster Displacement, and think tanks like the Overseas Development Institute. All materials were accessed through academic databases, official treaty repositories, and open-access policy archives.

Sample Size

Given the doctrinal nature of the research, no statistical sample size applies in the conventional sense. Instead, the study purposively selected a focused yet representative body of approximately 25–30 key legal instruments, landmark cases, and scholarly works. This includes the core international refugee and climate treaties (five principal instruments), four major regional frameworks, two illustrative judicial decisions, and around fifteen influential scholarly contributions that directly address climate-induced displacement, legal gaps, and conflict-climate intersections. The selection ensures depth and relevance rather than breadth, prioritizing materials that explicitly discuss protection challenges in fragile or conflict-affected contexts (Mangi & Butro, 2025).

Sampling Technique

Purposive (or judgmental) sampling was employed to select sources most pertinent to the research objectives. Documents and literature were chosen based on criteria such as: direct relevance to climate-induced displacement; authority and influence within international law (e.g., binding treaties over non-binding declarations where possible); recency and contribution to ongoing debates (prioritizing post-2010 works given accelerating climate impacts); and explicit engagement with conflict-affected regions or threat-multiplier dynamics (Bruch & Matthew, 2025). This non-probability technique allowed deliberate inclusion of foundational texts (1951 Convention, UNFCCC suite) alongside innovative regional and scholarly perspectives (Kampala Convention, Nansen Initiative, works by Jane McAdam, Emily Wilkinson, and others) to construct a robust analytical framework.

Data Collection

Data collection proceeded in stages. First, core primary legal texts were retrieved and reviewed in full to establish the baseline normative framework. Second, keyword searches (e.g., “climate displacement,” “environmental migration,” “climate refugees,” “conflict and climate,” “non-refoulement climate”) were conducted across legal databases, Google Scholar, and institutional repositories to identify secondary literature. Third, snowballing was used: references cited in key works led to additional

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relevant sources. All collected materials were organized thematically refugee law limitations, climate agreement scope, regional expansions, scholarly proposals, and conflict intersections to facilitate systematic analysis. Ethical considerations included accurate representation of sources and avoidance of selective quotation.

Data Analysis

Analysis followed a thematic and comparative doctrinal method. Legal texts were interpreted using established techniques of treaty interpretation (ordinary meaning, context, object and purpose, subsequent practice) as per the Vienna Convention on the Law of Treaties. Gaps were identified by contrasting the persecution-centric refugee definition with the generalized, non-persecutory nature of climate-driven displacement in conflict settings (van der Putte, 2025). Thematic coding was applied to secondary literature to distill recurring arguments on protection deficits and reform proposals. Comparative analysis examined how regional instruments offer broader protections and their potential transferability to climate-conflict scenarios. The process culminated in critical synthesis, evaluating feasibility and human rights implications of proposed advancements such as expanded non-refoulement, new protocols, or integrated climate-migration policies.

Results and Discussion

The analysis of existing international and regional legal frameworks reveals a persistent and multifaceted protection deficit for individuals displaced by climate change, particularly in conflict-affected regions where environmental degradation and armed violence converge to produce complex displacement patterns. The doctrinal examination confirms that while global instruments provide robust tools for specific categories of forced migration, they remain structurally ill-equipped to respond to the realities of climate-induced displacement in fragile and volatile contexts.

Protection Gaps and Challenges

The 1951 Refugee Convention and its 1967 Protocol remain the cornerstone of international refugee protection, yet their narrow, persecution-based definition creates a fundamental exclusion for climate-displaced persons. Article 1A(2) requires a well-founded fear of persecution linked to one of five enumerated grounds, a criterion that climate change whether through slow-onset processes such as desertification or sudden-onset disasters such as flooding does not satisfy, as these phenomena lack the individualized intent inherent in persecution. Consequently, individuals fleeing uninhabitable conditions in conflict zones cannot access refugee status or the full suite of Convention rights, including non-refoulement under Article 33.

This legal void is compounded in conflict-affected regions, where climate stressors act as threat multipliers, intensifying competition over scarce resources, exacerbating intercommunal tensions, and fueling violence. Displaced persons in such settings often face overlapping drivers environmental collapse and generalized insecurity making it nearly impossible to isolate persecution as the sole or primary cause of flight. International climate agreements further widen this gap. The UNFCCC and its Kyoto Protocol focus almost exclusively on mitigation and emission reduction, with only

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limited attention to adaptation and virtually no provisions addressing human mobility. The Paris Agreement introduces the concept of “loss and damage” under Article 8, acknowledging adverse climate impacts on vulnerable populations, yet it deliberately avoids establishing binding obligations for the protection or admission of displaced persons. This results in millions of individuals remaining in legal limbo, exposed to refoulement risks, exploitation, and denial of basic rights. In conflict zones, where state capacity is already eroded and humanitarian access restricted, the absence of a clear legal pathway leaves climate-displaced persons particularly vulnerable to prolonged internal displacement, secondary movements, and cycles of repeated uprooting without durable solutions.

Regional and International Responses

Regional frameworks offer partial but promising alternatives to the limitations of universal instruments. The 1969 OAU Convention and the 1984 Cartagena Declaration significantly expand the refugee definition to encompass persons fleeing generalized violence, public order disturbances, massive human rights violations, foreign aggression, or events seriously disturbing public order. Scholars argue that these broader grounds can plausibly encompass situations where climate-induced resource scarcity triggers societal breakdown, intercommunal conflict, or widespread insecurity conditions frequently observed in conflict-affected areas.

In Africa, the 2009 Kampala Convention represents a landmark advancement by providing the first binding regional instrument specifically addressing internal displacement caused by natural or human-made disasters, including climate change. Article 3 explicitly obliges states to protect and assist persons displaced by such events, offering a model for proactive state responsibility that could be adapted to cross-border scenarios. In the Pacific, the Nansen Initiative (and its successor, the Platform on Disaster Displacement) has fostered regional cooperation, promoting planned cross-border relocation pathways and temporary protection arrangements for populations facing existential threats from sea-level rise.

European responses remain more tentative: while the Common European Asylum System provides comprehensive protection for conventional refugees, climate-related displacement is not explicitly covered, though ongoing policy discussions and the EU Migration Agenda increasingly recognize the climate-migration nexus. Internationally, judicial and scholarly efforts have begun to test the boundaries of existing law. Cases such as *Ioane Teitiota v. New Zealand* demonstrate growing judicial awareness of climate impacts, even if courts have so far declined to extend refugee status. Proposals from legal scholars advocate for either a new dedicated international instrument for climate-displaced persons, an additional protocol to the 1951 Convention, or strengthened application of complementary protection mechanisms grounded in human rights law, particularly non-refoulement under the International Covenant on Civil and Political Rights.

Case Study Insights

When applied to conflict-affected regions such as the Sahel and the Horn of Africa, the protection gaps become starkly evident. In these zones, prolonged droughts,

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desertification, and erratic rainfall patterns destroy pastoralist and agricultural livelihoods, intensifying competition over remaining water and grazing land. These environmental pressures frequently trigger or exacerbate intercommunal clashes, militancy, and large-scale displacement, yet affected individuals rarely qualify as refugees under the 1951 Convention because the violence is diffuse rather than targeted persecution. Regional instruments such as the Kampala Convention provide important protections for internally displaced persons in Africa, yet they do not extend to cross-border movement or offer a pathway to asylum in neighboring states.

The absence of a tailored international framework leaves populations trapped in protracted internal displacement or forced into irregular migration routes where they face heightened risks of trafficking, detention, and refoulement. These findings underscore the urgent need for normative evolution: existing tools, while valuable, are insufficient when climate stressors and conflict intersect. Bridging the gap requires integrated approaches that combine climate adaptation funding, conflict resolution initiatives, and expanded legal protections potentially through enhanced regional cooperation, creative interpretations of non-refoulement, or the development of new complementary mechanisms to ensure meaningful rights-based responses to this growing humanitarian crisis.

Economic Strain on Host Nations

There is an economic burden on host nations due to increased climate-displaced individuals, particularly in developing regions. Local governments must provide food, shelter, healthcare, and other basic services as displaced people arrive, which is already a burden on limited resources. The 2020 United Nations High Commissioner for Refugees (UNHCR) notes that the unexpected influx of large displaced people results in overburdened infrastructure, including water systems and healthcare facilities, aggravating financial strains on host countries.

Conclusion

The escalating climate crisis continues to displace millions worldwide through rising sea levels, extreme weather events, prolonged droughts, flooding, famine, and environmental degradation, rendering entire communities uninhabitable and forcing large-scale human mobility. In conflict-affected regions, these environmental pressures do not operate in isolation; instead, they function as powerful threat multipliers that intensify resource scarcity, undermine livelihoods, exacerbate intercommunal tensions, and fuel violence, resulting in complex, multi-causal displacement patterns that defy traditional legal categorizations.

Summary of Key Findings

This study has demonstrated that the 1951 Refugee Convention and its 1967 Protocol, while foundational and effective for protecting individuals fleeing individualized persecution on grounds of race, religion, nationality, membership of a particular social group, or political opinion, are fundamentally inadequate for addressing climate-induced displacement. The Convention's persecution-centric definition excludes those compelled to move due to generalized environmental threats, even when such threats

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trigger or amplify conflict and insecurity.

International climate instruments the UNFCCC, Kyoto Protocol, and Paris Agreement prioritize mitigation, emission reductions, and adaptation, with the Paris Agreement's "loss and damage" provision acknowledging adverse impacts on vulnerable populations, yet none establish binding obligations, legal status, or protection mechanisms specifically for climate-displaced persons. This creates a significant normative and practical gap, leaving affected individuals without formal refugee status, access to durable solutions, or safeguards against refoulement. Regional frameworks offer important but limited alternatives.

The 1969 OAU Convention and 1984 Cartagena Declaration broaden refugee definitions to include flight from generalized violence, public order disturbances, and events seriously disturbing public order grounds that scholars contend can encompass climate-driven societal collapse in conflict settings. The 2009 Kampala Convention provides binding protections for internally displaced persons affected by natural disasters and climate change in Africa, while the Nansen Initiative and Platform on Disaster Displacement promote regional cooperation and planned relocation pathways, particularly in the Pacific.

Despite these innovations, no comprehensive international regime exists to address cross-border climate-conflict displacement, and judicial attempts to extend refugee status (as seen in cases such as *Ioane Teitiota*) have so far been unsuccessful. The intersection of climate change and armed conflict thus produces a distinct category of displacement that current law inadequately captures, exposing millions particularly in fragile regions such as the Sahel and Horn of Africa to protracted crises, legal uncertainty, and heightened human rights risks.

Policy Implications for International Law

The findings carry profound implications for the evolution of international law and global migration governance. First, there is an urgent need to recognize the inadequacy of the persecution paradigm in an era of accelerating environmental and security challenges. States should explore complementary protection pathways grounded in human rights law, particularly the expanded application of non-refoulement under the International Covenant on Civil and Political Rights and the Convention against Torture, to prevent return to life-threatening conditions caused by climate impacts in conflict zones. Second, regional models such as the Kampala Convention's explicit inclusion of disaster- and climate-related displacement and the OAU/Cartagena broader definitions offer blueprints that could inform the development of new global or cross-regional instruments.

A dedicated protocol to the 1951 Convention, a standalone treaty for climate-displaced persons, or strengthened mandates for UNHCR to include climate-conflict displacement within its operational scope represent viable normative advancements. Third, policy coherence must be enhanced by integrating climate adaptation finance (under the Paris Agreement and loss and damage mechanisms) with conflict prevention, peacebuilding, and migration management strategies. This requires multilateral cooperation to build resilience in vulnerable regions, provide planned relocation options, and ensure that displaced populations access rights to housing, livelihoods,

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education, and healthcare. Without such reforms, the international community risks failing to uphold core human rights obligations amid the growing scale of climate-conflict displacement.

Future Research Directions

While this study has illuminated critical protection gaps and promising regional approaches, several avenues for further inquiry remain essential. Future research should undertake empirical case studies in specific conflict-affected hotspots to document how climate stressors interact with violence and displacement dynamics, providing granular evidence to support legal and policy advocacy. Comparative analyses of how different regional systems (African, Latin American, Pacific, and emerging Asian frameworks) respond to climate-conflict displacement could identify best practices transferable to global norms.

Additional scholarship is needed on the feasibility and design of new international instruments, including questions of state consent, burden-sharing, and institutional mechanisms. Interdisciplinary work integrating climate science, security studies, and international law would help model future displacement scenarios and assess the human rights implications of inaction. Finally, research should explore the role of domestic courts, soft-law developments, and non-state actors in progressively interpreting existing frameworks to better accommodate climate-driven movement in volatile contexts. Addressing these directions will be crucial to developing a more adaptive, inclusive, and rights-based global response to one of the defining humanitarian challenges of the twenty-first century.

Recommendations

The analysis of current international and regional legal frameworks underscores the urgent need for targeted reforms to address the protection deficits facing climate-induced displacement, especially in conflict-affected regions where environmental degradation and insecurity intersect to create acute humanitarian crises. The following recommendations propose practical, normative, and operational steps to bridge existing gaps, drawing on identified limitations of the 1951 Refugee Convention, UN climate agreements, and promising regional models.

Expand Legal Protection Frameworks

States and international organizations should prioritize the development of complementary or supplementary legal mechanisms to extend protection to persons displaced by climate change in contexts where persecution cannot be clearly established. One viable pathway is the adoption of a new dedicated protocol to the 1951 Refugee Convention that explicitly includes climate-driven displacement as a ground for complementary protection, particularly when environmental factors contribute to generalized violence, public disorder, or life-threatening conditions.

Alternatively, the international community could pursue a standalone multilateral treaty on climate-displaced persons, modeled in part on the Kampala Convention but extended

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to cross-border movement. Such an instrument should enshrine an expanded non-refoulement principle applicable to situations where return would expose individuals to severe harm from climate impacts compounded by conflict, drawing on human rights obligations under the International Covenant on Civil and Political Rights.

In the interim, states are encouraged to strengthen domestic and regional interpretations of existing law, including through judicial recognition that climate-conflict dynamics may constitute persecution in certain cases or trigger complementary protection. UNHCR should be mandated and resourced to develop operational guidelines for assessing claims involving climate-conflict displacement, ensuring consistent application of human rights-based criteria. These expansions would provide legal status, access to asylum procedures, and durable solutions such as resettlement or local integration while preserving the integrity of the persecution-based refugee regime for its core purpose.

Create a global climate refugee fund

A new initiative fund project should be started for climate refugees in conflict zones can be created. It will help host nations reduce their economic responsibilities. This fund would meet the difficulties of climate displacement through resettlement and long-term integration projects. For example, Green Climate Fund (GCF) which supports climate adaptation. Article 9 of the Paris Agreement states "loss and damage" but it still does not address the displacement funding explicitly. When a global fund is created, it would reduce financial burden on host nations that are already prone to climate factors.

Visa policies for climate-displaced people

A codified new humanitarian visa policy can be initiated for climate-displaced individuals. This could protect and provide with their temporary asylum in host nations. For example, Argentina has tried to create a displacement humanitarian visa program. It helped many displaced individuals get temporary asylum in the country. The Global Compact on Safe, Orderly and Regular Migration, 2018 promotes immigration flexibility for environmental reasons. States can include the humanitarian visa policy in immigration law which is supported by UNHCR advice and regional agreements. For example, EU Temporary Protection Directive. This directive provides temporary and immediate protection to EU individuals from non-EU countries who cannot return to their home country due to climate disasters.

Enhance Regional Cooperation

Regional approaches have demonstrated greater flexibility in responding to climate-induced displacement, and their lessons should inform strengthened cooperation across geographic boundaries. The African Union, building on the success of the Kampala Convention, should lead efforts to develop cross-border protocols or bilateral agreements for climate-displaced persons moving between conflict-affected Sahel and Horn of Africa states, incorporating principles of shared responsibility, early warning systems, and joint humanitarian corridors. Similarly, Pacific Island countries, supported by the Platform on Disaster Displacement, should formalize regional relocation frameworks that include legal pathways, citizenship options, and cultural preservation

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measures for populations facing existential threats from sea-level rise.

Latin American states could expand the Cartagena Declaration's application by adopting explicit guidelines for climate-related claims in conflict contexts. To facilitate global diffusion, a new multilateral forum perhaps under UN auspices should be established to convene regional bodies, share best practices, and harmonize standards for temporary protection, planned relocation, and humanitarian admission in climate-conflict scenarios. Enhanced cooperation should also include capacity-building for frontline states, technical assistance for national legislation, and funding mechanisms to support reception and integration without overburdening host communities. Such regional strengthening would create a networked system of protection that is more responsive to localized realities than a purely universal approach.

Integrate Climate Resilience into Peacebuilding

Addressing climate-induced displacement in conflict-affected regions requires moving beyond legal status to tackle root causes through integrated policy responses. International peacebuilding and development efforts should systematically incorporate climate resilience as a core component, recognizing environmental stressors as drivers of instability. Donors and multilateral institutions should prioritize funding for climate adaptation projects such as sustainable water management, drought-resistant agriculture, and land restoration in fragile zones like the Sahel and Horn of Africa, linking these initiatives directly to conflict prevention and peacebuilding strategies.

The UN Security Council and Peacebuilding Commission should increasingly consider climate-security linkages in country-specific mandates, supporting community-level mediation mechanisms to resolve resource-based disputes before they escalate into violence. National governments in affected regions should integrate displacement risk assessments into national adaptation plans under the Paris Agreement, while channeling "loss and damage" finance toward community-based resilience programs that reduce forced migration pressures. Humanitarian actors should adopt "climate-smart" programming that combines emergency response with long-term livelihood support and conflict-sensitive approaches.

Finally, global climate negotiations should explicitly address human mobility in future COP outcomes, ensuring that adaptation and loss and damage pillars include dedicated resources for preventing and managing displacement in conflict settings. By embedding climate resilience within peacebuilding architectures, the international community can reduce the scale of forced movement, mitigate secondary displacement risks, and foster conditions conducive to voluntary return or safe local integration.

These recommendations, if pursued with political will and adequate resources, offer a pathway toward a more inclusive, adaptive, and rights-centered global response to climate-induced displacement in an era of compounding crises.

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