



THE CONFLICT CATALYST: IHL'S ROLE WHEN CLIMATE CHANGE TRIGGERS DISPLACEMENT

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Abstract: *The escalating climate crisis is profoundly reshaping global human mobility, forcing millions to abandon their homes due to both sudden-onset disasters and insidious slow-onset environmental degradation. This paper examines how international humanitarian law (IHL) and climate-induced displacement are related, particularly when armed conflict intensifies or intersects with the consequences of climate change. Despite the informal usage of the term "climate refugee," there is a significant protection gap because the 1951 Refugee Convention does not give it a legal designation. While IHL is primarily designed to regulate armed conflict and protect its victims, this research argues that its principles and provisions become indirectly, yet crucially, relevant when climate change acts as a "threat multiplier," intensifying existing conflicts or creating new fragilities that lead to displacement. Through a qualitative legal analysis complemented by three diverse case studies, the Sunderbans (India and Bangladesh), the Lake Chad Basin, and Somalia/Horn of Africa. The paper aims to critically analyse the applicability and limitations of International Humanitarian Law in addressing climate-induced displacement, particularly in contexts where climate change acts as a threat multiplier for armed conflict. Through a case-based legal analysis, the article seeks to demonstrate how existing legal frameworks fall short of providing adequate protection for climate-displaced persons and to situate IHL within a broader matrix of human rights, migration, and climate governance regimes.*

Keywords: *Armed conflict; Climate-induced Displacement; Environmental Degradation; International Humanitarian Law; Legal protection Gaps.*

I. Introduction

The twenty-first century is undeniably characterised by the escalating climate crisis, a phenomenon of unusual scale and urgency that radically alters the planet's environmental and human landscapes. The rising global temperature is causing extreme weather events, changes in precipitation patterns, and insidious environmental deterioration. This planetary shift will

significantly impact human societies, particularly by affecting and interfering with human mobility.¹ Millions are already being forced to abandon their homes, either abruptly in the wake of sudden-onset disasters like devastating floods, intensified cyclones, and prolonged droughts, or gradually as slow-onset processes such as sea-level rise, desertification, and salinisation render their traditional livelihoods unsustainable and their homelands uninhabitable.

Reports from organisations like the Internal Displacement Monitoring Centre (IDMC) consistently highlight the staggering scale of this displacement. For instance, in 2024, climate and weather-related disasters accounted for the significant new internal displacements globally, far surpassing those caused by conflict and violence, with a record 83.4 million people living in internal displacement by the end of the year². These figures underscore that climate change is not a distant, theoretical threat but a present, tangible reality already displacing vulnerable populations across continents. The repercussions extend beyond simple displacement, encompassing disruptions to livelihoods, cultures, social frameworks, and human dignity, engendering intricate humanitarian crises that necessitate immediate intervention from the global community³.

Within this evolving landscape, the paper seeks to interrogate the legal capacity of International Humanitarian Law to respond to climate-induced displacement when environmental degradation intersects with situations of armed conflict. The central concern guiding this research is the extent to which International Humanitarian Law can provide effective legal protection to populations displaced by climate change in contexts where climatic stress interacts with or intensifies armed hostilities. In examining this question, the study further explores how climate change functions as a “threat multiplier” within armed conflict, shaping the factual conditions of violence and displacement and consequently influencing the applicability and operation of International Humanitarian Law. At the same time, the analysis critically engages with the doctrinal and structural limitations of International Humanitarian Law in addressing climate-induced displacement, with particular attention to the protection gaps that persist within the existing international legal framework when displacement is driven by environmental factors that fall outside the traditional conflict paradigm.

¹ Impri, “A deepening crisis of rising Global temperature”, IMPRI Impact and Policy Research Institute, March 17, 2022. <https://www.impriindia.com/insights/temperature-crisis-global/>.

² Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2025* (IDMC, 2025), <https://doi.org/10.55363/IDMC.XTGW2833>.

³ UNHCR, “Climate Change, Displacement and Human Rights”, UNHCR, March 2022, <https://www.unhcr.org/sites/default/files/legacy-pdf/6242ea7c4.pdf>

Despite the incontrovertible reality of climate-induced displacement, the affected individuals are in a precarious legal situation, primarily due to the lack of a widely acknowledged legal framework to regulate their status and protection. The term “climate refugee,” while widely adopted in media and popular discourse to evoke the urgency of their plight, holds no formal legal standing under existing international law⁴. The foundational instrument for refugee protection, the 1951 Convention Relating to the Status of Refugees, strictly defines a refugee as someone who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”⁵ This definition was developed in the years following World War II. Climate change and environmental factors are not included in this definition, which was developed in the years following World War II, as justifications for applying for asylum or refugee status.

This strict interpretation creates a significant “protection gap” or “legal void” for those compelled to move due to environmental degradation⁶. In contrast to refugees escaping persecution, those displaced by climate change typically lack the same international safeguards, rendering them susceptible to exploitation, statelessness, and inadequate access to basic services and rights in host communities or across borders. Consequently, more legally precise terms like “climate migrants,” “environmentally displaced persons,” or “persons displaced in the context of disasters and climate change” are increasingly employed in academic and policy discussions, even as the colloquial “climate refugee” persists in public understanding. The challenge lies not only in terminology but in developing robust legal and policy mechanisms to address the unique vulnerabilities of this growing population.

Amidst the complexities of climate-induced displacement, the role of International Humanitarian Law (IHL) emerges as a critical, albeit often indirect, area of inquiry. IHL, also known as the law of armed conflict or the law of war, is a distinct body of public international law that seeks to regulate the conduct of armed conflict and limit its effects for humanitarian reasons. Its core aim is to protect those who are not, or are no longer, participating in hostilities, and to restrict the means and methods of warfare. Rooted in the four Geneva Conventions of

⁴ Cristina-Ioana Dragomir, “Protecting Climate Refugees Requires a Legal Definition.” *Al Jazeera*, March 2, 2024, <https://www.aljazeera.com/opinions/2024/3/2/protecting-climate-refugees-requires-a-legal-definition>.

⁵ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137, art 1A(2).

⁶ Tyler Bridgerton, “No Refuge for ‘Climate Refugees’ in International Law”, Lewis & Clark Law School. January 20, 2023, <https://law.lclark.edu/live/blogs/200-no-refuge-for-climate-refugees-in-international>.

1949 and their Additional Protocols and customary international law, IHL applies exclusively in armed conflict, whether international or non-international.⁷

Given this specific scope, a central research question arises: How does a legal framework designed to govern the brutality of armed conflict interact with and potentially offer protection to populations displaced by climate change? This inquiry becomes particularly pertinent when climate impacts intersect with, exacerbate, or directly lead to armed conflict. While climate change is not an armed conflict, its role as a “threat multiplier” can intensify existing fragilities, contribute to resource scarcity, and fuel tensions that escalate into violence.⁸ In such complex emergencies, understanding the extent to which IHL can be leveraged to enhance the protection of individuals caught between environmental devastation and armed hostilities is paramount. This paper will explore how IHL's principles, though not directly addressing climate change, become vital in ensuring basic protections and humanitarian access in these multi-layered crises. It aims to provide concrete examples illuminating the complexities and challenges of applying IHL in contexts where environmental degradation and armed conflict are intertwined by analysing real-world examples.

II. Legal Materials and Methods

This research employs a qualitative approach, primarily relying on a comprehensive legal analysis of international instruments and extensive scholarly literature. The paper will systematically examine the foundational principles and specific provisions of International Humanitarian Law to ascertain their direct and indirect applicability to populations displaced by climate change. This theoretical exposition will be rigorously tested and illustrated through an in-depth examination of three diverse case studies: the Sunderbans in India and Bangladesh, the Lake Chad Basin (encompassing Chad, Nigeria, Niger, and Cameroon), and Somalia/Horn of Africa.

These case studies have been selected for their distinct characteristics regarding climate impacts, conflict dynamics, and the resulting patterns of human mobility. By analysing these real-world scenarios, the paper aims to provide concrete examples illuminating the complexities and challenges of applying IHL in contexts where environmental degradation and armed

⁷ International Committee of the Red Cross, “How is the term ‘Armed Conflict’ Defined in IHL?”, https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf.

⁸ Beatrice Mosello, Lukas Rüttinger, and Liesa Sauerhammer, “The Climate Change-Conflict Connection-The Current State of Knowledge”, *Climate-Fragility Research Paper* (2019).

conflict are intertwined. The analysis will adopt an interdisciplinary lens, drawing insights from environmental science, migration studies, and humanitarian affairs to provide a holistic understanding of the nexus between climate change, conflict, and displacement. This multifaceted methodology will enable a robust assessment of IHL's current utility and highlight areas where existing legal and policy frameworks fall short in protecting climate-displaced persons.

III. Result and Discussion

Theoretical Framework: International Humanitarian Law (IHL) and its Boundaries

International Humanitarian Law (IHL) constitutes a crucial branch of public international law, designed to mitigate the suffering caused by armed conflict. Its origins are deeply rooted in humanity's attempt to regulate the brutality of warfare, with its modern codification primarily stemming from the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. These treaties, widely ratified by states, form the bedrock of contemporary IHL, supplemented by a vast body of customary international humanitarian law derived from consistent state practice accepted as law.

At its core, IHL is built upon several fundamental principles that guide the conduct of hostilities and the treatment of those affected by conflict. The principle of distinction mandates that parties to an armed conflict must always distinguish between civilians and combatants, and between civilian objects and military objectives. Attacks may only be directed against combatants and military objectives; civilians and objects must not be targeted. This principle is codified in Article 48 of Additional Protocol I (API).⁹ Closely related is the principle of proportionality, which prohibits attacks that may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive about the concrete and direct military advantage anticipated. This is enshrined in Article 51(5)(b) API.¹⁰ Furthermore, the principle of precaution requires parties to a conflict to take all feasible precautions in attack to avoid, and in any event to minimise, incidental loss of civilian life, injury to civilians, and damage to civilian objects. This includes precautions regarding means and attack methods (Article 57 API).¹¹

⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 48.

¹⁰ Additional Protocol I, art 51(5)(b)

¹¹ Additional Protocol I, art 57

Beyond these rules governing the conduct of hostilities, IHL is underpinned by the overarching principle of humanity, which dictates that all persons must be treated humanely, without any adverse distinction, and that unnecessary suffering and superfluous injury are prohibited. This principle is pervasive throughout the Geneva Conventions, notably in Common Article 3, which applies to non-international armed conflicts.¹² Finally, the principle of military necessity permits measures indispensable for achieving a legitimate military objective, provided IHL does not otherwise prohibit them. However, military necessity can never justify violations of IHL's core principles and prohibitions. It is crucial to reiterate that the applicability of IHL is strictly tied to the existence of an armed conflict, whether international (between states) or non-international (between a state and a non-state armed group, or between non-state armed groups).

The primary objective of IHL is the protection of persons who are no longer participating in hostilities and particular civilian objects. This extensive protective scope covers various categories of individuals and their essential needs. Civilians are afforded general protection from the dangers arising from military operations. They must not be the object of attack, and indiscriminate attacks are strictly prohibited. The Fourth Geneva Convention (GC IV) is specifically dedicated to protecting civilian persons during war, outlining their rights and the obligations of occupying powers towards them.¹³ This includes provisions for humane treatment, respect for their person, honour, family rights, religious convictions, and customs. Similarly, wounded, sick, and shipwrecked members of armed forces are protected and must be collected and cared for, as detailed in the First (GC I) and Second (GC II) Geneva Conventions.¹⁴ Prisoners of War (POWs), covered by the Third Geneva Convention (GC III), are entitled to humane treatment, respect for their person and honour, and the provision of necessities.¹⁵

While there is no single international convention specifically dedicated to Internally Displaced Persons (IDPs), their protection is derived from the general rules of IHL applicable to civilians and international human rights law. Though not a binding treaty, the Guiding Principles on Internal Displacement provide an authoritative framework for the protection and assistance of

¹² Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS

¹³ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287.

¹⁴ Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31; Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 85.

¹⁵ Geneva Convention (III) Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135.

IDPs, drawing heavily from existing international law.¹⁶ These principles affirm that IDPs, as civilians, retain all their human rights and IHL protections, including the right to life, dignity, and freedom from arbitrary displacement.

IHL also extends its protection to civilian objects, which are defined as all objects that are not military objectives. This includes homes, hospitals, schools, places of worship, and objects indispensable to the civilian population's survival, such as foodstuffs, agricultural areas, drinking water installations, and irrigation works. Article 54 of the API specifically prohibits attacking, destroying, removing, or rendering useless such objects.¹⁷ Furthermore, IHL mandates that parties to a conflict must allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need, subject to the right of control by the party concerned (Article 70 API).¹⁸ This obligation is critical for ensuring access to food, water, medical supplies, and other essential aid for populations suffering due to armed conflict.

Beyond the direct protection of individuals and civilian infrastructure, IHL contains specific provisions to safeguard the natural environment during armed conflict. These rules show growing recognition that environmental damage can have severe and long-lasting humanitarian consequences.

The most explicit provisions are found in Additional Protocol I (API). Article 35(3) prohibits the use of methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.¹⁹ Article 55 further elaborates on this, stating that care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage, and that such damage shall not be used as a weapon.²⁰ These provisions are complemented by rules of customary international humanitarian law, which prohibit the destruction of the natural environment as a weapon and require due regard for the environment in military operations.²¹

However, it is crucial to understand the scope and limitations of these environmental protection rules within IHL. They are primarily designed to prevent or minimise environmental damage

¹⁶ Francis M. Deng, "Guiding principles on internal displacement", *International Migration Review* 33, no. 2 (1999): 484-493.

¹⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 54.

¹⁸ Additional Protocol I, art 70.

¹⁹ Additional Protocol I, art 35(3).

²⁰ Additional Protocol I, art 55.

²¹ Jean-Marie Henckaerts, *Customary International Humanitarian Law, Volume I: Rules*. Vol. 1 (Cambridge: Cambridge University Press 2005).

from armed conflict, whether as a deliberate tactic or incidental collateral damage. They do not directly address the broader, systemic challenges of climate change, such as global warming, sea-level rise, or desertification, which are driven by long-term anthropogenic factors unrelated primarily to armed hostilities. While environmental degradation caused by conflict can exacerbate existing climate vulnerabilities, IHL's environmental provisions are not a comprehensive legal framework for responding to climate change or protecting populations displaced solely by its effects outside an armed conflict context. Therefore, their relevance to climate refugees is indirect, primarily coming into play when climate-induced environmental degradation occurs within a conflict zone or is exacerbated by conflict.

The fundamental prerequisite for the application of International Humanitarian Law is the existence of an armed conflict. This threshold is critical and strictly defined: IHL does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, or other acts of a similar nature, as these do not constitute armed conflicts.²² This strict applicability condition poses a significant challenge when considering climate-induced displacement.

Climate change, in itself, is not an armed conflict. It is a global environmental phenomenon with far-reaching humanitarian consequences. Therefore, populations displaced solely by climate impacts – such as those forced to move due to sea-level rise submerging their homes or prolonged droughts rendering their land infertile, in the absence of any armed hostilities – do not fall directly under the protective umbrella of IHL. Their protection must instead be sought in other bodies of international law, primarily international human rights law and, increasingly, emerging frameworks within international migration law.

The complexity arises when climate change acts as a “threat multiplier”.²³ In many vulnerable regions, climate impacts exacerbate existing socio-economic fragilities, resource scarcity, and governance deficits. These factors can, in turn, contribute to social unrest, inter-communal tensions, and ultimately, the outbreak or intensification of armed conflict. In such scenarios, where climate change is an underlying driver or exacerbating factor of conflict, IHL does become applicable. However, the challenge lies in attributing displacement solely to climate change versus conflict, or a complex interplay of both. Delineating the precise causal link can

²² International Committee of the Red Cross (ICRC), How is the term 'armed conflict' defined in international humanitarian law? (ICRC, April 2024), https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf

²³ Ferdous Sultana, Jurgen Scheffren, “Climate change as a threat multiplier : Expert perspectives on human security in Bangladesh MDPI”, *Geographies* 5, no. 4 (December 2025), <https://doi.org/10.3390/geographies5040077>

be difficult, as human mobility is often multi-causal. This distinction is crucial for determining which legal framework (IHL, IHRL, or migration law) provides the most appropriate and effective protection for the displaced population. The subsequent sections will explore these complexities through specific case studies.

The Interplay: Climate Change as a “Threat Multiplier” and Its Nexus with Conflict

The relationship between climate change and armed conflict is not one of direct causality but rather a complex interplay where climate impacts act as a “threat multiplier,” exacerbating existing vulnerabilities and contributing to an environment ripe for violence and instability. While climate change itself does not cause conflict, its effects can significantly amplify the risk factors that lead to armed hostilities, particularly in regions already grappling with weak governance, poverty, and social inequalities.²⁴

One of the most direct pathways from climate change to conflict involves resource scarcity. As global temperatures rise, precipitation patterns shift, leading to more frequent and intense droughts in some regions and unpredictable floods in others. This directly impacts the availability of vital resources such as freshwater and arable land. Communities dependent on climate-sensitive resources, particularly agricultural and pastoral groups, face acute pressure, as evidenced in the Lake Chad Basin, where declining water availability and shrinking grazing lands intensified competition between farmers and herders, escalated local tensions, and ultimately contributed to sustained armed conflict involving state and non-state actors. Dwindling water sources can intensify competition between different ethnic or social groups, leading to inter-communal clashes over access to diminishing shared resources. The drying up of traditional grazing lands can force pastoralists into agricultural areas, sparking conflicts with farming communities over land use and property rights.²⁵

Furthermore, livelihood collapse due to climate impacts can push already vulnerable populations into desperation, making them susceptible to recruitment by armed groups. When agricultural yields fail due to drought or salinisation, or fishing grounds are depleted by sea-level rise and ocean warming, traditional economic activities become unsustainable. This economic desperation can erode social cohesion and increase grievances against state authorities perceived as unable or unwilling to provide protection or assistance. In such

²⁴ Adrien Detges. “Climate and conflict: reviewing the statistical evidence. A summary for policy-makers.” *Climate Diplomacy Report, Berlin, Germany* (2017).

²⁵ Evans Shoko, “Structural Determinants of Conflicts and Cooperation in Rural Water Management.” *Peace Review* 37, no. 2 (2025): 1-13

contexts, non-state armed groups may exploit the prevailing fragility by offering alternative livelihoods, protection, or a sense of belonging, thereby drawing individuals into conflict.²⁶

Climate shocks also disproportionately affect already marginalised and vulnerable populations, eroding their coping mechanisms and making them more susceptible to conflict. These groups often have limited access to resources, weak social safety nets, and are politically disenfranchised, meaning they are less able to adapt to environmental changes. A severe drought, for example, might force mass displacement, leading to overcrowding in urban areas or IDP camps, where competition for resources and services can ignite new tensions. The displacement itself can break down traditional social structures and increase the risk of exploitation and violence, including sexual and gender-based violence, particularly for women and children.²⁷

Finally, climate disasters can strain state capacity and governance, leading to vacuums that armed groups can exploit. When a state's resources are overwhelmed by repeated climate-induced emergencies, its ability to provide essential services, maintain law and order, or respond effectively to grievances can diminish. This weakened state presence can create opportunities for non-state armed groups to expand their influence, control territory, and establish parallel governance structures, further entrenching conflict and instability.²⁸ Thus, while climate change does not directly cause conflict, its multifaceted impacts create a fertile ground for the escalation of violence, transforming environmental challenges into complex humanitarian crises.

The convergence of climate change impacts and armed conflict creates humanitarian crises of unparalleled complexity and severity. Populations caught in this nexus face multi-layered vulnerabilities, where the effects of environmental degradation are amplified by the brutality and disruption of hostilities. This often leads to catastrophic humanitarian consequences, including severe food insecurity, acute water scarcity, widespread health crises, and mass displacement on an unprecedented scale.²⁹

²⁶ International Organization for Migration (IOM), *Migration, Environment and Climate Change: Evidence for Policy* (IOM 2009), https://publications.iom.int/system/files/pdf/migration_and_environment.pdf

²⁷ UNHCR, "Climate Change, Displacement and Human Rights".

²⁸ Clionadh Raleigh, Lisa Blimes and Henrik Urdal, "Climate Change, Environmental Degradation and Armed Conflict", *Proceedings of the National Academy of Sciences* 117, no. 1(2019): 118-122.

²⁹ Katie Peters, Mairi Dupar, "The Humanitarian Impact Of Combined Conflict, Climate And Environmental Risks", ODI, December 2020, https://www.eeas.europa.eu/sites/default/files/humanitarian_impact_of_climate_and_conflict_unga_bn_final.pdf

In regions afflicted by both climate shocks and armed conflict, food insecurity becomes particularly acute. Climate-induced droughts or floods can destroy crops and livestock, while conflict disrupts agricultural production, supply chains, and access to markets. Parties to a conflict may also deliberately impede humanitarian aid or destroy food sources, exacerbating famine conditions. The result is often widespread malnutrition and starvation, disproportionately affecting children and the elderly. Similarly, water scarcity, driven by climate change and compounded by conflict-related damage to water infrastructure or restricted access to water points, leads to severe health risks, including outbreaks of waterborne diseases. Access to sanitation and hygiene facilities is often non-existent in displacement camps, further worsening public health outcomes.³⁰

Mass displacement is perhaps the most visible humanitarian consequence of this nexus. People are forced to flee their homes not only due to direct climate impacts (e.g., rising sea levels, desertification) but also due to the violence, insecurity, and collapse of livelihoods brought about by armed conflict. This displacement can be internal, with people moving within their own country, or cross-border, leading to refugee flows. Displaced populations often find themselves in overcrowded and unsanitary camps or in host communities that are themselves resource-strained. In these settings, protection risks are significantly heightened. Women and girls face increased risks of sexual and gender-based violence, forced marriage, and exploitation. Children are vulnerable to forced recruitment by armed groups, separation from families, and disruption of education. The elderly and persons with disabilities often face particular challenges in accessing assistance and maintaining dignity.³¹

The humanitarian response in such complex environments is immensely challenging. Aid organisations face significant operational constraints due to insecurity, lack of access, and the deliberate targeting of humanitarian workers. The multi-causal nature of the crisis also complicates needs assessments and the provision of appropriate, long-term solutions. Without effective intervention, the humanitarian consequences of the climate-conflict nexus can lead to protracted crises, generational poverty, and a continuous cycle of displacement and suffering.

While IHL does not directly address climate change as a cause of displacement, its principles and rules become critically important in situations where climate impacts trigger or intensify

³⁰ Hamid El Bilali, Imaël Henri Nestor Bassole, Lawali Dambo, and Sinisa Berjan, “Climate change and food security”, *Agriculture & Forestry/Poljoprivreda i šumarstv* 66, no. 3 (2020).

³¹ Internal Displacement Monitoring Centre (IDMC).

an armed conflict. In such nexus contexts, IHL provides a vital legal framework for protecting individuals caught in the crossfire of environmental degradation and armed hostilities.

Firstly, IHL's fundamental rules on the protection of civilians remain fully applicable. Even if a population is displaced due to climate-induced resource scarcity, once an armed conflict erupts, these individuals are civilians and must be protected from direct attacks. Parties to the conflict are prohibited from targeting civilians or civilian objects, regardless of the underlying causes of their vulnerability. This includes ensuring their humane treatment and respecting their fundamental rights, such as the right to life and physical integrity, as enshrined in Common Article 3 of the Geneva Conventions and other IHL provisions.³²

Secondly, IHL places a clear obligation on all parties to an armed conflict to allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need.³³ This is particularly crucial in climate-affected conflict zones where populations may be suffering from severe food and water insecurity exacerbated by environmental factors. Whether the scarcity is primarily due to drought or conflict-related destruction, the obligation to permit and facilitate humanitarian aid remains. Deliberately impeding relief supplies essential for the survival of the civilian population can constitute a war crime. Furthermore, the prohibition on the starvation of civilians as a method of warfare is highly pertinent here. If parties to a conflict intentionally cause starvation by destroying or rendering useless objects indispensable to survival (like water sources or agricultural land), or by blocking humanitarian aid, they would be in violation of IHL, irrespective of whether climate change contributed to the initial scarcity.³⁴

Thirdly, IHL's rules on the conduct of hostilities and the protection of civilian objects are crucial. Parties must take all feasible precautions to avoid damage to infrastructure essential for civilian survival, such as water systems, agricultural fields, and homes, even if these are in areas already stressed by climate change. The destruction of such objects, if not militarily necessary and proportionate, would violate IHL, further compounding the suffering of climate-affected populations.

³² Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 27; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 51.

³³ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 70.

³⁴ Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: Rules* (Cambridge University Press 2005) Rule 53

Finally, while IHL does not create a specific status for “climate refugees,” it provides a framework for the humane treatment and protection of internally displaced persons (IDPs) within conflict zones. Parties to a conflict have obligations towards IDPs, including ensuring their safety, providing for their basic needs, and facilitating their voluntary return or resettlement in safety and dignity.

In essence, while IHL was not designed with climate change in mind, its robust framework for protecting civilians and ensuring humanitarian access in armed conflict makes it an indispensable tool in situations where climate impacts and conflict converge. Its application ensures that even in the most complex and multi-layered crises, the fundamental rights and needs of affected populations are upheld, and that the conduct of hostilities remains bound by humanitarian considerations.

The Connection Between Climate Change and IHL: Case Studies

This section will delve into three distinct case studies to illustrate the diverse ways in which climate change drives displacement and the varying degrees to which International Humanitarian Law (IHL) becomes relevant. These cases highlight situations ranging from primarily environmental displacement to complex emergencies where climate impacts are deeply intertwined with armed conflict.

1. The Sunderbans (India and Bangladesh)

The Sunderbans, a vast and intricate deltaic region shared between India and Bangladesh, is the world's largest contiguous mangrove forest and a UNESCO World Heritage Site.³⁵ This unique ecosystem, characterised by its dense mangrove vegetation, tidal waterways, and rich biodiversity (including the Bengal tiger), is home to several million people. The local population is predominantly rural, heavily reliant on climate-sensitive livelihoods such as subsistence agriculture, fishing, and the collection of forest products like honey and timber.³⁶ These communities live in close proximity to the natural environment, making them acutely vulnerable to environmental changes. The Sunderbans acts as a natural barrier, protecting the hinterland from cyclones and tidal surges, but its low-lying topography and dynamic geomorphology also make it one of the most climate-vulnerable regions globally.³⁷

³⁵ UNESCO, “The Sundarbans”, accessed February 07, 2025, <https://whc.unesco.org/en/list/798/>

³⁶ M. S. Zaman, and T. H. Chowdhury, “The Sundarbans, the World’s Largest Tidal Halophytic Mangrove Forest: Its Economic and Ecological Significance”, *Bangla* 2, no. 1 (2024), <https://doi.org/10.5281/zenodo.12683069>.

³⁷ Sweta Baidya, Pritha Chakraborty, Shivukumar Rakkasagi, Manish Kumar Goyal, and Anil Kumar Gupta. “Pathways to build resilience toward the impact of climate change on the Indian Sunderban.” In *Ecosystem*

The Sunderbans faces a confluence of severe climate impacts that are directly driving displacement and exacerbating existing vulnerabilities:

1) Sea-Level Rise

The Bay of Bengal is experiencing one of the fastest rates of sea-level rise globally, significantly higher than the global average.³⁸ This leads to the gradual submergence of islands, rendering land uninhabitable. Several islands, such as Lohachara on the Indian side, have already disappeared entirely, forcing their inhabitants to relocate.³⁹ Other islands, such as Ghoramara, are rapidly eroding, leading to significant land loss and ongoing internal displacement.⁴⁰

2) Intensified Cyclones and Storm Surges

The frequency and intensity of severe cyclonic storms originating in the Bay of Bengal have increased, with devastating consequences for the Sunderbans. Cyclones like Aila (2009), Amphan (2020), and Yaas (2021) have caused widespread destruction, breaching protective embankments, inundating vast agricultural lands with saltwater, and destroying homes and infrastructure.⁴¹

3) Salinisation

The frequent storm surges and tidal inundations introduce vast quantities of saltwater into agricultural fields and freshwater ponds. This increased salinity renders fertile land uncultivable for years, destroys crops, and contaminates vital drinking water sources, forcing communities to seek water from distant, often unsafe, locations.⁴²

4) Livelihood Loss

The combined effects of land loss, salinisation, and damage to fishing grounds directly undermine the traditional livelihoods of the Sunderbans inhabitants. With farming becoming unviable and fish catches dwindling, many are left with no economic alternatives in their native villages.

5) Migration

Restoration: Towards Sustainability and Resilient Development (Singapore: Springer Nature Singapore, 2023), 307-333.

³⁸ Md Ashrafuzzaman, Filipe Duarte Santos, João Miguel Dias, and Artemi Cerdà. "Dynamics and causes of sea level rise in the coastal region of southwest Bangladesh at global, regional, and local levels", *Journal of Marine Science and Engineering* 10, no. 6 (2022): 779.

³⁹ Sugata Hazra, Tuhin Ghosh, Rajashree DasGupta, and Gautam Sen. "Sea level and associated changes in the Sundarbans", *Science and Culture* 68, no. 9/12 (2002): 309-321.

⁴⁰ Mongabay, "On the front line of climate change in India's Sundarbans", October 17, 2019, <https://news.mongabay.com/2019/10/sundarbans-climate-change-tigers-india>.

⁴¹ Debarchana Biswas, and Amrita Sen. "An analysis of local political forces around the management of climate change-led disasters in the Indian Sundarbans," *Asian Journal of Social Science* 52, no. 2 (2024): 63-75.

⁴² Sourav Das, "Retracted chapter: Assessment of pond water quality and its impact on local livelihood in the indian sundarbans", In *Pond Ecosystems of the Indian Sundarbans: An Overview* (Cham: Springer International Publishing, 2021), 45-69.

This environmental degradation and livelihood collapse compel significant internal and cross-border migration. People move from the most affected islands to relatively higher ground within the Sunderbans, or to urban centres like Kolkata and other Indian states in search of work.⁴³ Cross-border migration to Bangladesh also occurs. These “climate migrants” often face precarious conditions in their new locations, including a lack of formal legal status, insecure housing, limited access to basic services, and exploitation in informal labour markets.⁴⁴

The Sunderbans case study primarily represents an environmental and humanitarian crisis, rather than an armed conflict. Consequently, International Humanitarian Law (IHL) generally finds no direct application in addressing the displacement within this region. There is no ongoing armed conflict between states or between a state and a non-state armed group that would trigger IHL's applicability. The displacement is driven by environmental factors, not by hostilities or direct violence between warring parties.

The legal vacuum for these “climate migrants” is particularly pronounced in India, which is not a signatory to the 1951 Refugee Convention and lacks specific national legislation to recognise or protect individuals displaced by climate change.⁴⁵ This leaves thousands without formal identification or access to adequate aid and rehabilitation, often treated as economic migrants or undocumented individuals.

While IHL's environmental provisions (e.g., API Arts 35(3), 55) address environmental damage during armed conflict, they are not designed to mitigate or respond to climate change itself or its resulting displacement in a peacetime context. Any indirect IHL link would be highly speculative; for instance, if extreme resource scarcity were to lead to localised, organised armed violence over dwindling resources, then IHL principles on civilian protection and humanitarian access might hypothetically become relevant. However, the primary challenge in the Sunderbans remains a humanitarian and developmental one, requiring solutions rooted in disaster risk reduction, climate adaptation, human rights, and migration policies, rather than IHL.

⁴³ Somali Bhattacharyya, “Between Cities and Borders: Environmental Migration and Urban Mobility in the GBM Delta”, (2024).

⁴⁴ Sufia Khanom, Mumita Tanjeela, and Shannon Rutherford, “Climate-induced migrant's hopeful journey toward security: Pushing the boundaries of gendered vulnerability and adaptability in Bangladesh”, *Frontiers in Climate* 4 (2022), <https://doi.org/10.3389/fclim.2022.922504>.

⁴⁵ Randall S. Abate, and Chhaya Bhardwaj, “Enhancing Protection of Climate Refugees” in “Destination Hubs: A Comparative Analysis of Legal Mechanisms and Governance Challenges in the United States and India”, *Harv. Hum. Rts. J.* 37 (2024): 293.

2. Lake Chad Basin (Chad, Nigeria, Niger, Cameroon)

The Lake Chad Basin is a vast, arid region in Central Africa, shared by Chad, Nigeria, Niger, and Cameroon. Historically, Lake Chad was a vital freshwater source, supporting millions of people through fishing, agriculture, and pastoralism.⁴⁶ The basin is characterised by extreme poverty, weak governance, and a history of inter-communal tensions. The livelihoods of its inhabitants are intricately linked to the lake's water levels and the availability of fertile land, making them highly susceptible to environmental fluctuations.

The Lake Chad Basin presents a stark example of how climate change acts as a profound “threat multiplier,” exacerbating existing fragilities and contributing directly to armed conflict and mass displacement. In addition, Lake Shrinkage, the most dramatic climate impact is the drastic reduction in the size of Lake Chad. Over the past five decades, the lake has shrunk by up to 90% due to a combination of reduced rainfall, increased evaporation (linked to rising temperatures), and unsustainable water management practices.⁴⁷ This ecological collapse has devastated the region's natural resource base. Those situations increase some situation such as:

1) The Resource Scarcity and Livelihood Collapse

The shrinking lake has led to severe water scarcity, desertification of surrounding lands, and the collapse of traditional livelihoods. Fish stocks have plummeted, agricultural land has become barren, and pastoral routes have been disrupted. This has plunged millions into extreme poverty and food insecurity, eroding their resilience.⁴⁸

2) This situation fuelling Conflict.

The desperation caused by this climate-induced resource scarcity has created fertile ground for recruitment by armed groups, most notably Boko Haram and its splinter factions (e.g., ISWAP). These groups exploit the prevailing economic hardship, offering alternative livelihoods or a sense of purpose to desperate youth, thereby drawing them into conflict.⁴⁹

3) Inter-communal Violence

Dwindling water and arable land have intensified competition and clashes between different communities, particularly between farmers and pastoralists, over

⁴⁶ UNESCO, “Lake Chad Basin”, accessed February 07, 2025, <https://whc.unesco.org/en/tentativelists/6360/>.

⁴⁷ UNEP, “The tale of a disappearing lake”, Feb 28, 2018, <https://www.unep.org/news-and-stories/story/tale-disappearing-lake>.

⁴⁸ Food and Agriculture Organization (FAO), “The State of Food Security and Nutrition in the World 2020”, FAO 2020, <https://openknowledge.fao.org/server/api/core/bitstreams/9a0fca06-5c5b-4bd5-89eb-5dbec0f27274/content>.

⁴⁹ Peace Building Commission (PBC), “Ambassadorial-Level Meeting on Lake Chad Basin. Chair's Summary”, April 20, 2022, https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/220420_chairs_summary_lake_chad_basin_commission_meeting_final.pdf

access to diminishing resources. These localised conflicts often escalate, contributing to regional instability.⁵⁰

4) Mass Displacement

Millions have been displaced, both internally and across national borders, due to the combined effects of climate impacts and armed conflict. People flee direct violence from armed groups, but also the unbearable conditions created by environmental degradation and the resulting collapse of livelihoods. IDP camps and host communities are often overwhelmed, leading to further humanitarian crises.⁵¹

2.1 IHL Application and Challenges

In the Lake Chad Basin, International Humanitarian Law (IHL) is unequivocally applicable due to the ongoing non-international armed conflict involving state forces and various non-state armed groups. The multi-causal nature of displacement driven by both climate and conflict does not negate IHL's relevance; rather, it underscores its critical importance in protecting civilians in such complex emergencies.⁵²

Protection of Civilians is IHL's fundamental rules on the protection of civilians are paramount. Individuals displaced by climate-induced destitution remain civilians and must be protected from direct attacks, arbitrary detention, and inhumane treatment by all parties to the conflict.⁵³

In addition, under Humanitarian Access, A crucial aspect of IHL is the obligation of all parties to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.⁵⁴ This is vital in the Lake Chad Basin, where populations suffer from severe food and water insecurity exacerbated by both climate change and conflict-related disruptions. Deliberately impeding aid or destroying essential civilian infrastructure (like water points or agricultural land) can constitute a war crime, particularly under the prohibition on starvation as a method of warfare.⁵⁵

⁵⁰ Maha Skah, Rida Lyammouri, *The climate change security and nexus : case study of lake chad basin*, (Policy Center for the new South, June 2020), <https://www.policycenter.ma/sites/default/files/RP%20-%202020-08%20%28skah%20%26%20Lyammouri%29.pdf>.

⁵¹ Internal Displacement Monitoring Centre (IDMC).

⁵² Bashir Danish, Ihsanullah Butro, "Role of IHL in addressing humanitarian consequences of climate change", *Research Journal for Social Affairs* (June 2025), https://www.researchgate.net/publication/392658186_The_Role_of_International_Humanitarian_Law_in_Addressing_the_Humanitarian_Consequences_of_Climate_Change

⁵³ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art 27

⁵⁴ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 70

⁵⁵ Henckaerts and Doswald-Beck, Rule 53.

On the other hand, although International Humanitarian Law mandates adherence to the principles of distinction and proportionality, practice in climate-affected conflict zones demonstrates frequent non-compliance. In Somalia and the Lake Chad Basin, military operations have repeatedly damaged or destroyed civilian objects indispensable to survival, such as wells, irrigation systems, grazing land, and agricultural assets, either through direct targeting or as foreseeable incidental effects of hostilities. International Committee of the Red Cross⁵⁶ and United Nations reporting documents⁵⁷ that attacks are often conducted without adequate precautions to account for heightened civilian vulnerability in drought-affected environments, thereby exacerbating food insecurity, displacement, and famine conditions. The cumulative impact of such conduct reveals that, while the legal principles remain formally binding, their practical application is weakened by operational priorities, limited enforcement, and insufficient consideration of environmental fragility, resulting in civilian harm that exceeds the immediate effects of armed violence.

In the end, Despite IHL's clear applicability, its implementation faces significant challenges. Insecurity and the presence of numerous armed groups often hinder humanitarian access, leading to severe aid shortfalls.⁵⁸ The complex interplay of motivations for displacement also complicates the provision of targeted assistance and durable solutions. Furthermore, the long-term nature of climate degradation means that even if conflict subsides, the underlying environmental drivers of vulnerability and potential future displacement persist, requiring sustained development and adaptation efforts beyond the immediate scope of IHL.

3. Somalia/Horn of Africa (Drought and Conflict)

The Horn of Africa, encompassing countries like Somalia, Ethiopia, and Kenya, is one of the most drought-prone regions globally, characterised by arid and semi-arid lands. Somalia, in particular, has endured decades of protracted armed conflict, political instability, and weak state institutions.⁵⁹ The population, largely pastoralist and agro-pastoralist, is highly dependent on rainfall for their livelihoods, making them exceptionally vulnerable to climatic shocks. Somalia serves as another compelling illustration of how climate

⁵⁶ ICRC, “Guidelines on the Protection of the Natural Environment in Armed Conflict”, December 2020, https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_protection_of_the_natural_environment_in_armed_conflict_advance-copy.pdf

⁵⁷ UN, *Report of the panel of experts on Somalia submitted in accordance with resolution 2662* (2022) <https://docs.un.org/en/S/2023/724>

⁵⁸ International Committee of the Red Cross (ICRC), “IHL and the Challenges of Contemporary Armed Conflicts”, International Review of the Red Cross 927 (March 2025), <https://international-review.icrc.org/articles/reports-and-documents-ihl-and-the-challenges-of-contemporary-armed-conflicts-927>

⁵⁹ United Nations Assistance Mission in Somalia (UNSOM), Environment and Climate Security in Somalia, <https://unsom.unmissions.org/environment-and-climate-security>

change, particularly prolonged droughts, acts as a significant “threat multiplier” in an already conflict-ridden environment, leading to devastating humanitarian consequences and mass displacement. The situation in Somalia:

1) Severe and Recurrent Droughts

The region has experienced multiple consecutive failed rainy seasons, leading to severe and prolonged droughts.⁶⁰ These droughts decimate livestock (the primary asset for pastoralist communities), destroy crops, and dry up water sources, pushing millions to the brink of famine.

2) Famine and Displacement

The direct impact of these droughts is widespread famine and mass displacement. People are forced to abandon their homes and migrate to urban centres or designated IDP camps in a desperate search for food, water, and humanitarian assistance.⁶¹ These movements often involve arduous journeys, with high mortality rates, especially among children and the elderly.

3) Conflict Exacerbation

The climate-induced scarcity of resources intensifies existing clan-based tensions and conflicts over dwindling water points and grazing lands. Armed groups, such as Al-Shabaab, exploit the desperation and governance vacuums created by the droughts and state weakness. They may offer “protection” or access to resources in exchange for loyalty, or they may impose harsh taxes on already struggling communities, further exacerbating their vulnerability. Control over scarce resources becomes a key driver of conflict.⁶²

4) Multi-layered Displacement

Displacement in Somalia is almost always multi-layered. People are fleeing both the direct effects of severe drought (lack of food, water, livelihood) and the violence, insecurity, and lack of state protection associated with the armed conflict. This makes it difficult to disentangle the primary cause of displacement, but it underscores the profound interaction between climate and conflict.

⁶⁰ Karolina Eklöw, and Florian Krampe. *Climate-related security risks and peacebuilding in Somalia*. (Stockholm International Peace Research Institute (SIPRI), 2019).

⁶¹ Internal Displacement Monitoring Centre (IDMC).

⁶² Gema Gómez Álvaro, and Raquel Caro Carretero, “Climate change and migration dynamics in the Horn of Africa: a comprehensive review and future research directions”, *European Public & Social Innovation Review* 9 (2024): 1-21.

In Somalia, IHL is fully applicable due to the ongoing non-international armed conflict. Its provisions are critical for protecting populations suffering from the combined effects of climate-induced famine and armed hostilities, such as:

1) Humanitarian Access is Paramount

IHL's obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief is crucial in Somalia. With millions facing famine, the ability of humanitarian organisations to reach affected populations with food, water, and medical aid is a matter of life and death.⁶³ Parties to the conflict, including non-state armed groups, are legally bound to respect and protect humanitarian personnel and allow aid to reach those in need. Deliberate obstruction of aid can constitute a war crime.

2) Protection of Civilian Livelihoods

IHL prohibits attacking, destroying, removing, or rendering useless objects indispensable to the survival of the civilian population.⁶⁴ In a drought context, this includes water points, wells, agricultural land, and livestock. Violations of these rules, whether by state forces or armed groups, directly compound the climate-induced suffering.

3) Protection of IDPs

IHL provides a framework for the humane treatment and protection of internally displaced persons. Parties to the conflict must ensure the safety of IDP camps, prevent forced displacement, and facilitate voluntary returns when conditions allow.

Despite these clear IHL obligations, their implementation in Somalia is severely hampered. Armed groups often deliberately obstruct aid, impose illegal taxes, or target civilians and humanitarian workers. The protracted nature of the conflict, combined with recurrent climate shocks, creates a cycle of displacement and vulnerability that is extremely difficult to break. The lack of effective state control over large areas further complicates the enforcement of IHL. This case highlights that while IHL provides the legal standards, political will, and operational capacity are essential for its effective application in such dire circumstances.

Gaps in Protection and the Way Forward

Despite the critical, albeit indirect, role of International Humanitarian Law (IHL) in contexts where climate change intersects with armed conflict, a significant protection gap persists for the vast majority of individuals displaced by environmental factors. This section will delve into the

⁶³ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 609, art 18.

⁶⁴ Henckaerts and Doswald-Beck, Rule 54.

limitations of existing legal frameworks and explore potential pathways toward more comprehensive protection for climate-displaced persons.

The case studies collectively operate as evidence of the structural limits of existing international legal frameworks in addressing climate-induced displacement. The Sunderbans case demonstrates a clear legal vacuum where displacement occurs entirely outside armed conflict, rendering International Humanitarian Law (IHL) inapplicable despite severe humanitarian consequences. The Lake Chad Basin illustrates how climate change functions as a threat multiplier within armed conflict; although IHL applies, its protections remain confined to regulating hostilities and humanitarian access, offering no response to the underlying climate-driven causes of displacement or long-term protection. Similarly, the Somalia/Horn of Africa case reveals that even where IHL is applicable, enforcement challenges and protracted crises severely limit its effectiveness, leaving climate-displaced populations without durable legal protection. Together, these cases substantiate the existence of persistent legal gaps where displacement is either beyond the scope of IHL or only partially addressed by it, underscoring the need for complementary legal frameworks beyond International Humanitarian Law.

As established, the term "climate refugee" lacks formal legal recognition under the 1951 Refugee Convention, which strictly defines a refugee based on a "well-founded fear of persecution."⁶⁵ Environmental degradation, no matter how severe, does not inherently constitute "persecution" by a state or non-state actor as required by the Convention, unless it is deliberately caused or exacerbated by an actor with the intent to harm an individual based on one of the five Convention grounds.⁶⁶ This narrow definition leaves individuals fleeing solely climate-induced disasters or slow-onset environmental changes without a clear international protection status.

The consequences of this legal void are profound. Without formal recognition, climate-displaced persons often lack specific rights and protections under international law. They may be treated as irregular migrants, subject to detention, deportation, and denial of basic services in host countries. This vulnerability can lead to increased exploitation, human trafficking, and a general erosion of their human dignity.⁶⁷ Existing national immigration laws are often ill-equipped to handle large-scale climate-induced movements, focusing instead on traditional categories of economic migrants or asylum seekers. The lack of a clear legal

⁶⁵ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137, art 1A(2).

⁶⁶ Jane McAdam, *Climate change, forced migration, and international law* (Oxford University Press, 2012).

⁶⁷ International Organization for Migration (IOM), "World Migration Report 2022", IOM 2022, <https://publications.iom.int/books/world-migration-report-2022>

framework also complicates efforts by humanitarian organisations to provide consistent and long-term assistance, as their mandates are often tied to recognised legal statuses.

While international refugee law currently falls short, International Human Rights Law (IHRL) offers a more promising, albeit still developing, avenue for the protection of climate-displaced persons. IHRL applies universally to all individuals, regardless of their migratory status or the presence of armed conflict, such as:

1) Right to Life and Non-Refoulement

The principle of non-refoulement, which prohibits states from returning individuals to a country where they would face a real risk of irreparable harm, is a cornerstone of both refugee law and IHRL. While traditionally applied in cases of persecution or torture, its scope has begun to expand in the context of climate change. The landmark case of *Teitiota v. New Zealand* before the UN Human Rights Committee (UNHRC) is illustrative.⁶⁸ Ioane Teitiota, a citizen of Kiribati, sought asylum in New Zealand, arguing that his life was threatened by the effects of climate change, specifically sea-level rise, in his home country. Although the UNHRC ultimately found that the threat was not sufficiently “imminent” to trigger non-refoulement obligations in this specific case, its ruling was groundbreaking. The Committee explicitly acknowledged that “environmental degradation, climate change and unsustainable development constitute some of the most pressing threats to the ability of present and future generations to enjoy the right to life.”⁶⁹ It further stated that in extreme cases, where environmental conditions in a country of origin pose a real, foreseeable, and personal threat to an individual's right to life with dignity, returning them could indeed violate their human rights under Article 6 of the International Covenant on Civil and Political Rights (ICCPR).⁷⁰ This decision, while not creating a new category of “climate refugee,” opened the door for human rights-based claims for protection from climate impacts.

2) Other Human Rights

Beyond the right to life, numerous other human rights are directly impacted by climate change and are relevant to climate-induced displacement. These include the rights to water, food, health, adequate housing, sanitation, and even cultural rights (for indigenous communities whose way of life is tied to a specific environment).⁷¹

⁶⁸ *Teitiota v New Zealand* (Communication No 2728/2015, UN Doc CCPR/C/127/D/2728/2015, 24 October 2019).

⁶⁹ *Teitiota v New Zealand*

⁷⁰ *Teitiota v New Zealand*

⁷¹ UNHCR, “Climate Change, Displacement and Human Rights”.

IHRL places obligations on states to respect, protect, and fulfil these rights, even in the face of environmental challenges. While these obligations primarily fall on the state of origin, the principle of international cooperation and assistance, particularly concerning economic, social, and cultural rights, suggests a broader responsibility for the international community.

Despite its potential, leveraging IHRL for climate-displaced persons faces hurdles. The “imminence” threshold for non-refoulement remains high, making it difficult for individuals fleeing slow-onset events to claim protection. Furthermore, IHRL mechanisms are often reactive and rely on individual complaints, rather than providing a proactive, comprehensive framework for large-scale movements. Enforcement mechanisms can also be weak, relying on state compliance and international pressure.

The Role of International Migration Law and Policy

Given the limitations of IHL and the evolving nature of IHRL in this context, international migration law and policy are increasingly seen as crucial components of a holistic response. It is included:

- 1) Global Compact for Safe, Orderly and Regular Migration (GCM)

Adopted in 2018, the GCM is the most significant international instrument to explicitly address human mobility in the context of climate change and disasters.⁷² While non-binding, it provides a comprehensive framework of 23 objectives for managing migration. Objective 2 calls for minimising the adverse drivers and structural factors that compel people to leave their country of origin, including natural disasters, the adverse effects of climate change, and environmental degradation. Objective 5 focuses on enhancing the availability and flexibility of pathways for regular migration, explicitly suggesting measures for persons compelled to leave their countries due to sudden-onset and slow-onset natural disasters.⁷³ The GCM encourages states to develop national policies that integrate displacement concerns into disaster preparedness and climate change adaptation strategies.

- 2) Limitations of the GCM

As a non-binding instrument, the GCM's implementation relies entirely on the political will and discretion of individual states. It does not create new legal obligations or a specific legal status for climate migrants. Its effectiveness depends on states

⁷² Global Compact for Safe, Orderly and Regular Migration (adopted 19 December 2018) UN Doc A/RES/73/195.

⁷³ UNGA, Global Compact for Migration A/RES/73/195.

translating its principles into concrete national policies and bilateral or regional agreements.

3) Bilateral and Regional Agreements

In the absence of a global binding treaty, bilateral and regional agreements are emerging as pragmatic solutions. A notable example is the Australia-Tuvalu Falepili Union Treaty (2023), which offers Tuvaluan citizens a pathway to reside in Australia with specific rights, explicitly recognising the existential threat posed by climate change to low-lying island nations.⁷⁴ Similarly, New Zealand's Pacific Access Category (PAC) offers a quota for permanent residency to migrants from certain Pacific Island countries, some of whom are highly vulnerable to climate impacts.⁷⁵ These agreements, while limited in scope, demonstrate a willingness on the part of some states to create specific pathways for climate-displaced populations that bypass the traditional refugee framework.

4) Domestic Legislation: Ultimately, the protection of climate-displaced persons often falls to national governments. There is a critical need for states to develop robust domestic laws and policies that:

- a) Recognise climate-induced displacement as a distinct phenomenon.
- b) Provide clear legal status and rights for those displaced, including access to housing, healthcare, education, and livelihoods.
- c) Establish mechanisms for planned relocation that ensure it is voluntary, safe, and dignified, with respect for cultural rights and community cohesion.
- d) Integrate climate migration into national disaster risk reduction and climate adaptation strategies.

Bridging the Divide: Towards a Holistic Approach

Addressing the escalating challenge of climate-induced displacement requires a holistic, multi-pronged approach that transcends the traditional silos of international law and policy. No single legal framework can provide all the answers; instead, a synergistic application of IHL, IHRL, and migration law, coupled with robust climate action, is essential.

Humanitarian actors, particularly those operating in conflict-affected regions, must increasingly integrate climate risk assessment and adaptation strategies into their operational planning. This means understanding how climate shocks will affect vulnerabilities, resource availability, and conflict dynamics, and designing responses that build long-term resilience

⁷⁴ Australia-Tuvalu Falepili Union Treaty (signed 9 November 2023)

⁷⁵ New Zealand Immigration, "Pacific Access Category Resident Visa", accessed February 7, 2026, <https://www.immigration.govt.nz/visas/pacific-access-category-resident-visa/>

rather than providing only immediate relief. Conversely, climate adaptation efforts must consider conflict sensitivity and avoid inadvertently exacerbating tensions.

The concept of climate justice underscores the historical responsibility of industrialised nations for greenhouse gas emissions and calls for equitable solutions. This includes providing financial and technical support to vulnerable developing countries for climate adaptation, disaster risk reduction, and managing climate-induced migration in a dignified manner. Loss and Damage mechanisms, as discussed in international climate negotiations, are crucial in this regard. Ultimately, legal frameworks for protection are reactive. Proactive measures are paramount. This includes aggressive global efforts to reduce greenhouse gas emissions (mitigation) to slow down climate change, alongside strengthening climate change adaptation strategies in vulnerable communities. Investing in resilient infrastructure, sustainable livelihoods, early warning systems, and community-led adaptation initiatives can reduce the likelihood of forced displacement.

There is a continuous need for better data collection and research on climate-induced displacement to inform evidence-based policy and legal development. Understanding the complex drivers, patterns, and consequences of climate mobility is vital for designing effective responses. Effective solutions demand unprecedented collaboration among legal scholars, humanitarian practitioners, climate scientists, development agencies, and policymakers. Breaking down disciplinary barriers and fostering integrated approaches will be key to developing comprehensive strategies that uphold human dignity in the face of a rapidly changing climate.

IV. Conclusion and Suggestion

This paper has critically examined the complex and evolving nexus between International Humanitarian Law (IHL) and climate-induced displacement. The core finding is that while IHL is not designed to address climate change as a standalone cause of displacement, its principles and provisions become crucially relevant in contexts where climate impacts intersect with, exacerbate, or directly lead to armed conflict. In such multi-layered crises, IHL serves as an indispensable framework for protecting civilians, ensuring humanitarian access, and regulating the conduct of hostilities, irrespective of the environmental drivers of vulnerability.

The case studies vividly illustrate these dynamics. In the Sunderbans, displacement is primarily driven by environmental factors (sea-level rise, cyclones, salinisation) rather than armed conflict, thereby limiting IHL's direct applicability. This case underscores the profound “legal gap” for climate-displaced persons under existing international refugee law, highlighting the

urgent need for alternative protection mechanisms. Conversely, the Lake Chad Basin and Somalia/Horn of Africa demonstrate how climate impacts (lake shrinkage, severe droughts) act as potent “threat multipliers,” intensifying resource scarcity, exacerbating existing tensions, and fueling armed conflicts. In these regions, IHL's rules on civilian protection, humanitarian access, and the prohibition of starvation as a method of warfare are directly applicable and vital for safeguarding millions caught between environmental devastation and armed violence. However, even in these contexts, IHL's scope is confined to the armed conflict itself, not the broader climate crisis.

The escalating scale and complexity of climate-induced displacement demand urgent and comprehensive international action. The humanitarian consequences, as evidenced by the case studies, are catastrophic, leading to widespread food insecurity, water scarcity, health crises, and heightened protection risks for vulnerable populations. The current legal landscape, characterised by the absence of a specific international status for “climate refugees,” leaves millions in a precarious limbo, underscoring a significant moral and legal imperative for the international community to act. Upholding human dignity in the face of a rapidly changing climate requires proactive and integrated responses that go beyond traditional legal interpretations.

The nexus of International Humanitarian Law and climate-induced displacement presents one of the most pressing humanitarian and legal challenges of our time. While IHL's role is critical in conflict-affected areas, it is not a panacea for the broader issue of climate mobility. A truly effective response demands a holistic, collaborative, and forward-looking approach that leverages existing legal frameworks, innovates new ones, and prioritises climate action and human dignity above all else. The future of millions depends on the international community's willingness to navigate these uncharted waters with courage, foresight, and a profound commitment to humanity.

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