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The background of the cover is a photograph of a stepwell, showing the intricate stone carvings and the series of steps leading down into the water. The image is oriented horizontally, with the steps running from left to right.

STEPWELL CENTRE FOR ASIAN FUTURES

RECOGNITION AND REMEDY

By Esha Tomar

POLICY RECOMMENDATIONS TO ADDRESS
THE MOUNTING CLIMATE REFUGEE CRISIS
IN SOUTH ASIA

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Summary

Problem: Climate migration is no longer hypothetical

South Asia is acutely vulnerable to climate-induced displacement. In 2024 alone, over 9 million climate-related internal displacements were recorded across the region, with India, Bangladesh, Afghanistan, Pakistan and Sri Lanka emerging as major hotspots¹. Projections suggest that climate-related displacement will increase sharply by 2050: by then sea-level rise alone could displace up to 15 million people in Bangladesh² and millions more across India's coastal and riverine regions, while Himalayan hazards in Nepal and Pakistan, and the existential threat faced by low-lying states such as the Maldives will intensify cross-border mobility pressures. Despite these realities, South Asia lacks a coordinated regional legal or policy framework to manage climate-induced displacement and migration. Existing international refugee law does not recognise "climate refugees," and regional mechanisms remain fragmented and reactive.

Stakes: Intensifying regional destabilisation

Unmanaged climate mobility poses significant humanitarian, social, economic, and security risks for South Asian states. Sudden, vast cross-border movements may strain border management systems, urban and rural infrastructure, and labour markets, while also increasing the likelihood of humanitarian crises and political tensions between various neighbouring states. Conversely, coordinated preparedness can lower response costs, stabilise border regions, and enable access to climate finance and technical assistance. Regional cooperation on climate mobility is therefore a matter of strategic self-interest. Climate migration is a governance challenge, not merely a humanitarian emergency.

¹ IDMC (2025) Global Report on Internal Displacement 2025, Internal Displacement Monitoring Centre. p. 67 <https://doi.org/10.55363/IDMC.XTGW2833>

² Intergovernmental Panel on Climate Change, 2019 projections quoted in Tim Naish et al, "Future Sea-level Rise Is Certain ..." WMO Bulletin Vol. 74 (2) - 2025, World Meteorological Organization, 15 October 2025 <https://wmo.int/media/magazine-article/future-sea-level-rise-certain-amount-and-speed-are-uncertain>

Proposal ('The Ask'): A Regional Climate Mobility and Resilience Commission

This paper proposes the establishment of a Regional Climate Mobility and Resilience Commission, anchored within a BIMSTEC-centred framework that also facilitates broader South Asian participation. The Commission (RCMRC) would function as a soft-law, cooperative platform to facilitate data sharing, coordinated disaster response, and the gradual harmonisation of various domestic legal and policy approaches to climate-induced displacement. Over time, it would support the development of model national laws, regional protocols for cross-border disaster displacement, and pooled financing mechanisms.

Implementation

1. Adopt a regional soft-law declaration on climate mobility cooperation.
2. Establish a Regional Climate Mobility and Resilience Commission with representation from member states, technical agencies, and disaster management authorities.
3. Create a regional data and early-warning platform on climate displacement.
4. Develop model national legislation and standard operating procedures for cross-border disaster displacement.
5. Mobilise pooled climate finance and coordinated engagement with international funding mechanisms.

Incentives for State Participation

- Access to pooled financial and technical resources for disaster preparedness and response.
- Manage migration flows.
- Shared data and best practices on adaptation and relocation.
- Strengthen bargaining power in global climate finance negotiations.
- Reduce long-term humanitarian and security costs associated with unmanaged displacement.

Potential Risks

- Political resistance to regional frameworks.
- Security concerns and data-sharing sensitivities.
- Uneven burden-sharing.

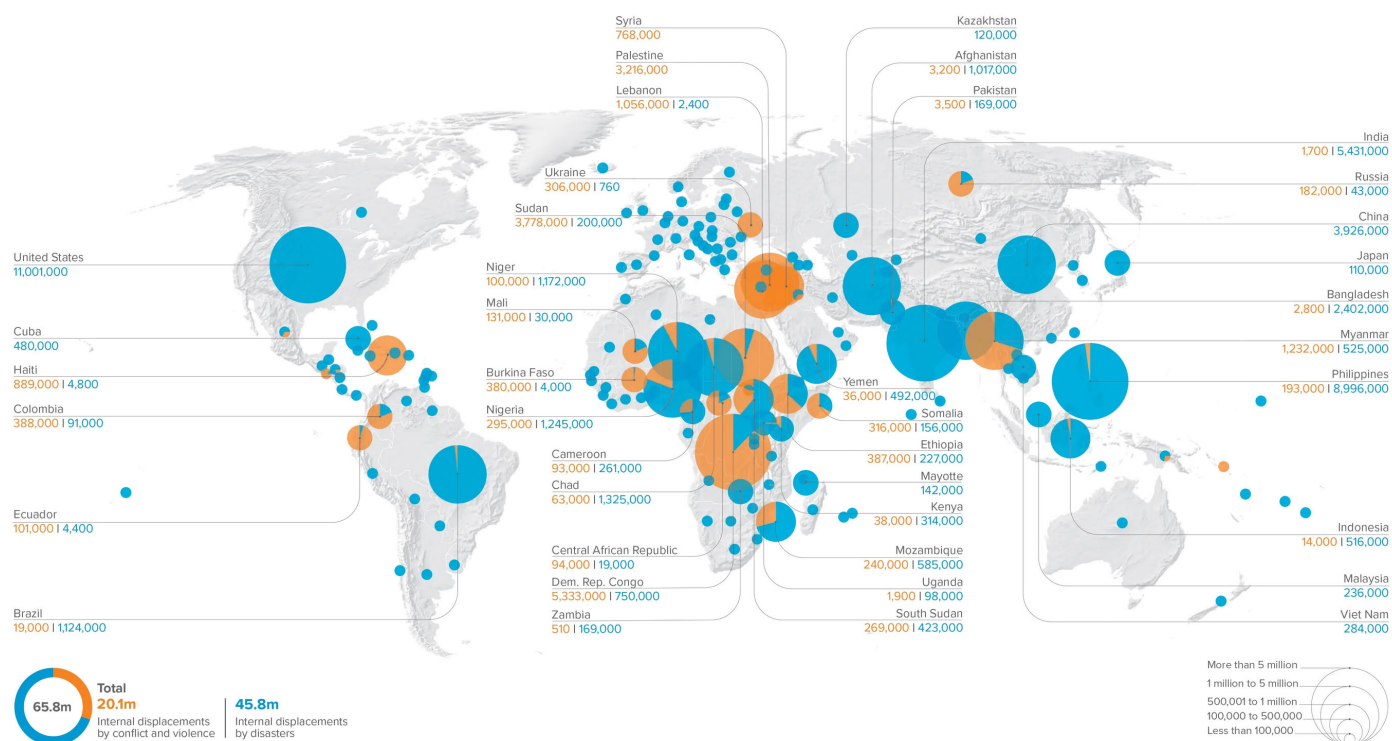
Mitigation

- Phased, soft-law approach.
- Voluntary participation.
- Strong data-protection protocols.
- Flexible implementation timelines tailored to national capacities.

Metrics for Success

- Reduction in response time to climate-displacement events.
- Establishment of national focal points/ response hubs, and legal frameworks.
- Volume of pooled or mobilised climate finance.
- Expansion of early-warning and preparedness coverage across vulnerable regions.
- Comprehensive definition and increased accuracy in assessing the number of climate refugees.

Climate migration should be treated as a challenge of governance as much as a humanitarian emergency. By prioritising preparedness, information- and burden-sharing, and coordination, a regional mechanism on climate mobility would enable South Asian states to manage inevitable displacement pressures in a cooperative manner.



7.1m

Internally displaced people (IDPs) ⓘ

5.3m

IDPs by conflict and violence

1.8m

IDPs by disasters

9.2m

Internal displacements (movements) ⓘ

11,000

Internal displacements by conflict and violence

9.2m

Internal displacements by disasters

After drier conditions associated with El Niño in 2023, the number of disaster displacements in **South Asia** nearly tripled in 2024 to reach 9.2 million. The figure was the second highest for the region in more than a decade.

Background

South Asia—consisting of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, and the Maldives—is one of the most ecologically diverse regions on the planet. Myanmar and Afghanistan, though not strictly South Asian countries, are significant players in the region and have longstanding ties to South Asia. While Afghanistan links South Asia to Central and Western Asia, Myanmar is a gateway between South Asia and Southeast Asia.

The region's climatic and geographical diversity has exposed South Asia to natural disasters and long-term adverse effects of climate change on a large scale, thus also making it a highly climate-vulnerable region. For example, the Maldives, a low-lying island nation to the southwest of mainland South Asia, faces an existential threat due to rising sea levels. Parts of coastal Bangladesh, particularly the Sunderbans River Delta—over one-third of which lies in India—are increasingly vulnerable to erosion and, gradually, to being submerged. Pakistan suffers heavy floods every monsoon, and major cities in India such as Mumbai and Delhi have dealt with severe flooding and unprecedented heat waves, respectively. Mountainous regions, most notably the Indian states of Himachal Pradesh, Uttarakhand, Arunachal Pradesh, Sikkim, and Nagaland, among others, and Nepal, have been afflicted by landslides and floods, causing widespread loss of life and property.

This vulnerability, exacerbated by global warming as well as rising CO₂ and other greenhouse gas emissions, has led to a sharp increase in migration within the region. Although much of the migration is internal (within countries), there has also been a rise in the incidence of cross-border migration, which is projected to continue; a study conducted by Climate Action Network South Asia (CANSA) in 2020 has predicted that, by 2050 as many as 62 million people are expected to be displaced by climate-related events in South Asia, with 45 million of them expected to be internally displaced in India alone³. These disturbing numbers point towards a crucial policy gap: No South Asian country has a defined refugee policy or legislation.

³ Rishu Garg et al. "Case studies from West Bengal, Maharashtra, Odisha, Uttarakhand & Bihar," CAN South Asia : 2, https://cansouthasia.net/wp-content/uploads/2021/02/Migration_India_20_02_2021.pdf.

Refugee policy in South Asia has been largely ad-hoc, based on judicial decisions and acts of the Executive. These measures have been in response to particular contingencies, rather than pursuant to comprehensive policies. For example, India permitted Tibetan refugees entry from the late-1950s onward despite absence of a law or policy governing refugees. Similarly, Pakistan accepted Afghan refugees for several decades from the late-1970s in response to war and military interventions in Afghanistan, even as it lacked a specific policy governing refugees and migrants. Bangladesh, too, accepted Rohingya refugees from Myanmar as an ad-hoc humanitarian response, not a structural one. In all cases, the decision to allow refugees entry was made through acts of the Executive in response to turbulent circumstances in the countries of origin.

Countries in the region have not ratified the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol that updated and universalised the 1951 Convention, but have adhered to these instruments in practice by admitting refugees in response to crises. However, the policy vacuum is real. Existing capacities are insufficient to handle the influx of climate refugees that is underway, as well as the greater numbers that are anticipated.

As climate displacement is a contemporary challenge, it finds no mention in the 1951 Convention and 1967 Protocol. Increasingly, international agencies such as the United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), the United Nations Human Rights Council (UNHRC), and the International Court of Justice (ICJ) have been at the forefront of advocacy for the recognition and rehabilitation of climate refugees.

This paper makes legal and policy recommendations for South Asia to undertake region-wide policy efforts to address the ongoing climate refugee crisis and its potentially catastrophic outcomes, in keeping with global trends and increasing awareness. These recommendations include, but are not limited to, defining a “climate migrant” or “climate refugee,” reliable data collection to ascertain their numbers, mapping of migration flows, and the implementation of a regional mechanism based on mutual assistance.

OVERVIEW OF THE PROBLEM

The 1951 Convention Relating to the Status of Refugees, along with the 1967 Protocol, is the primary source of international refugee law. Article 1 of the Convention defines a “refugee” as someone who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”⁴

Adopted in the immediate aftermath of World War 2, the Refugee Convention was ostensibly meant to protect Europeans displaced, forcibly and otherwise, as a result of the War. This is evidenced by the cutoff date mentioned in the document, which is “events occurring before 1 January 1951.” Although the 1967 Protocol served to expand these protections by deleting geographical and time limitations⁵, the definition itself remains unchanged; for classification and protection as a refugee, it is necessary to prove identity-based persecution in one’s country of origin.

‘Economic Migrants’ v. ‘Climate Migrants’

People have been migrating across borders for decades due to failed crops, natural disasters, and flooding caused by coastal or riverbank erosion, but these migrants have not received refugee status either internationally or through bilateral agreements. Instead, they have been classified as “economic migrants,” the real cause of their displacement receiving little acknowledgment. Moreover, despite their helplessness being comparable to that of political refugees, climate refugees/migrants are often faced with securitisation and denied refuge and assistance.

By securitisation, it is meant that those who fall outside the ambit of the Convention’s definition are branded “illegal immigrants” and portrayed as a threat to national security in their destination countries. That is, securitisation is the application of a national security lens to a humanitarian issue.

⁴ Convention relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137, <https://www.ohchr.org/sites/default/files/refugees.pdf>.

⁵ Protocol relating to the Status of Refugees, January 31, 1967, 606 U.N.T.S. 267, <https://www.ohchr.org/sites/default/files/protocolrefugees.pdf>.

Securitisation of forced migration has been witnessed throughout the world in the form of anti-immigrant policies and rhetoric. The proposed ban on immigration from certain countries in the Global South into the United States of America in the immediate aftermath of an Afghan refugee's gun assault on members of the National Guard is a case in point⁶. South Asia is no exception; the influxes of Bangladeshi and Rohingya refugees into India, Afghan refugees into Pakistan, and Rohingya refugees into Bangladesh have been portrayed and dealt with as national security threats. This rhetoric has led to deportations and significant restrictions on migration, particularly in recent years. While national security concerns are legitimate and pressing, it is possible—even recommended—to coordinate the efforts of national security agencies with the rehabilitation of forced migrants and refugees, in order to achieve a net positive outcome on both fronts.

The Rights of Refugees

Despite the risk of securitisation-driven policies and rhetoric, classification as a refugee grants a bundle of rights. The right to non-refoulement, which is the right against repatriation to one's country of origin where one's life and wellbeing remain endangered, is the most crucial of these rights. Non-refoulement has been recognised as customary international law, which means that the obligation not to repatriate refugees under dangerous conditions is not limited to countries that have ratified the 1951 Convention and 1967 Protocol.

Other rights include asylum, legal recognition/identification, and material humanitarian aid. Denying recognition as a refugee and the appurtenant rights to climate refugees also violates the legal principle of "treating like cases alike." This principle holds that similarly situated individuals or cases must be treated fairly and similarly, without discriminating against one in favour of another. Identity- and conflict-driven refugees accessing their legal rights, while climate refugees face securitisation risks due to their misclassification as "economic migrants" creates an unequal situation which needs to be remedied by "treating like cases alike." The problem to be solved, therefore, is the differential treatment arising from a lack of recognition and rights for climate refugees.

⁶ US Citizen and Immigration Services Advisory, 27 November 2025. <https://www.uscis.gov/newsroom/news-releases/uscis-implements-additional-national-security-measures-in-the-wake-of-national-guard-shooting-by>

Although socio-political factors are largely responsible for forced displacement even in the present day, the present definition does not account for emerging challenges. In light of rapidly accelerating climate change, the number of people forcibly displaced by natural disasters and other long-term effects has risen exponentially. UNHCR has stated on record that climate change is a major driver of forced displacement. Recent estimates suggest that by 2050, one out of every 45 people in the world will be forcibly displaced by climate change.⁷ This is a result of rapid desertification, deforestation, and island nations facing existential threats due to rising sea levels.

There is a direct relationship between climate vulnerability and conflict-driven displacement. In 2023, 82% of all conflict displacement occurred in highly climate-vulnerable places. Causes of forced displacement are thus interlinked and reinforce one another, rather than being mutually exclusive.

The role of climate change in driving forced displacement must be accurately accounted for. According to the World Meteorological Organization, as many as 30 million people were displaced in 2020 alone due to weather-related disasters caused by climate change. In 2022, 53% of all internal displacements were driven by disasters, of which 98% were linked to climate change.⁸ These statistics, while concerning, also point towards the need for focused efforts to mitigate the climate migration crisis and facilitate adaptation.

Defining a Climate Refugee

Although there is no formally recognised category of climate migrant or refugees, several definitions have been proposed. However, these definitions use the terms “environmental migrant” and “environmental refugee” in place of “climate refugee,” because climate change, as it is understood through the lens of global warming and rising CO₂ emissions, began to assume concerning proportions much more recently. The term “environmental refugee” was popularised in the 1970s by Lester Brown, an environmental activist and founder of the World Watch Institute.⁹ In a publication of the United Nations Environment Programme, Essam El-Hinnawi, research professor at the National Research Centre, Cairo, defined ¹⁰ environmental refugees as “people forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption.”

⁷ Oli Brown, “Migration and Climate Change,” IOM Iteration Research Series 31(2008) : 11, https://www.ipcc.ch/apps/njlite/srex/njlite_download.php?id=5866.

⁸ “Climate refugees: The world’s forgotten displacement crisis,” Concern Worldwide, November 30, 2024, <https://www.concern.net/news/climate-refugees-explained>.

⁹ Richard Black, “Environmental refugees: myth or reality?” Working Paper No. 34, University of Sussex, March 2001. <https://www.unhcr.org/sites/default/files/legacy-pdf/3ae6a0d00.pdf>

¹⁰ Essam El Hinnawi, “Environmental Refugees,” United Nations Environment Programme 2, E52, 1985. https://digitallibrary.un.org/record/121267/files/UNEP%2802%29_E52-E.pdf

The IOM's working definition, offered in 2007, is as follows: "Environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their homes or choose to do so either temporarily or permanently, and who move either within the country or abroad." Although comprehensive and concise, these definitions are limited in application and have only persuasive value.

Due to the relative novelty of the problem, legal and infrastructural developments have yet to fully comprehend its gravity. The lack of legal recognition has also led to a notable dearth of empirical data. Much of the available data on climate migration centres on internal displacement, without accounting for cross-border movement in response to extreme weather events and climate change. Contrary to proving that cross-border climate migration is not taking place, this data gap indicates the need for more accurate data collection and classification.

INTERNATIONAL RESPONSE

The alarming surge in climate migration has been acknowledged by the international community, with UNHCR and IOM at the forefront of advocacy for recognition and assistance to climate refugees. These UN agencies, tasked with providing legal and material assistance to forcibly displaced persons have repeatedly stressed the urgency of the situation. The Global Center for Climate Mobility (GCCM) has also sought to raise awareness about the issue of climate refugees by hosting Climate Mobility Pavilions at multiple iterations of the COP, or the Conference of Parties, a conference held each year by party states to the UNFCCC (United Nations Framework Convention on Climate Change), with the aim of reviewing and enacting measures to combat the adverse effects of climate change. The GCCM, an organisation established as a partnership of various UN agencies, engages in policy advocacy on behalf of climate refugees through research and data, as well as by rallying stakeholder support for local solutions to harm caused by climate change. Its primary goals¹¹, are to:

1. Anticipate threats
2. Convene policymakers and stakeholders
3. Transform adaptation and development planning

¹¹ <https://climatemobility.org>.

To this end, the GCCM is working on formulating a unique agenda for every region. Such initiatives include but are not limited to the Climate Mobility Initiatives for Africa, the Greater Caribbean Region, the Pacific, the Middle East, and Southeast Asia. Its overarching aim is to assist and empower those adversely impacted by climate change, whether they relocate or remain. Respect for individual autonomy and context-specific interventions are, therefore, central to its approach to the climate crisis.

Evidence and Case Law

International case law, too, is indicative of increasing awareness and urgency. In the 2015 case of *Ioane Teitiota v. New Zealand*¹² before the UNHRC, a national of Kiribati appealed to the Council, arguing that by repatriating him to Kiribati, New Zealand had violated his right to life. For context, Kiribati is a small island nation in the Pacific region which is threatened by rising sea levels and increasing salination of fresh water sources. Rising sea levels have caused land erosion on a large scale, leading to a scarcity of land and consequent housing crisis.

Although the Council found no merit in Teitiota's individual claim, holding that the harm he feared was a result of general conditions and not specific to him, it acknowledged that the nation would face an existential crisis in the coming 10-15 years. The Council went on to recognise the gravity of the climate crisis itself, and that human rights would have to be protected as part of the response. While the claim at hand was dismissed and New Zealand was not held to have endangered Teitiota's life arbitrarily, the Council, in its reasoning, did note the seriousness of forced displacement driven by climate change.

The International Court of Justice, in its advisory opinion dated 23rd July, 2025¹³, outlined the obligations of states in respect of climate change. Here the Court held states responsible for limiting global warming and mitigating natural disasters, thus holding response to climate change to be states' obligation under international law. Acknowledging the gravity of the climate crisis, the Court held states responsible for reaching their environment protection goals as well as for safeguarding human rights, including the right to a clean and healthful environment. Repatriation of climate refugees to their countries of origin constitutes a human rights violation exacerbated by climate change. The ICJ thus joined other international organisations in recognising the nexus between climate change and human rights.

¹² *Ioane Teitiota v. New Zealand*, Communication No. 2728/2016, U.N. Doc. CCPR/C/127/D/2728/2016 (HRC 2020), <https://www.refworld.org/jurisprudence/caselaw/hrc/2020/en/123128> [accessed December 26, 2025].

¹³ *Obligations of States in respect of Climate Change*, Advisory Opinion, 2025 I.C.J. 187 (July 23), <https://www.icj-cij.org/case/187>.

Although these efforts have not yet led to the official recognition of climate refugees as a class requiring protection, the rapidly accelerating harmful effects of climate change have brought the issue to the attention of bodies concerned with environmental conservation and human rights internationally.

REFUGEE POLICY IN SOUTH ASIA

Countries in South Asia have not ratified the 1951 UN Convention of Refugees or the 1967 Protocol. Several explanations have been advanced for this omission, the most notable being that for formerly colonised developing countries, sovereignty is prioritised over any obligation to accommodate foreign nationals. This sentiment is popular among countries of the Global South, many of which have refrained from ratifying, and becoming parties to, the Convention and Protocol on the grounds that these instruments are based on Eurocentric assumptions and capabilities.

The omission to ratify specific instruments, however, does not mean a complete absence of policy. Refugee policy across South Asia is guided by ad-hoc executive actions, judicial pronouncements, and customary international law rather than by legislation and specific international obligations. Countries have traditionally accepted forced migrants. Notable examples from recent history include India's decision to shelter Tibetan refugees as well as Sri Lankan Tamils, Pakistan's admittance of Afghan refugees, and Bangladesh providing refuge to the Rohingya. However, such waves of migration overstretched these states' institutional capacities and led to law-and-order problems, encouraging securitisation-based rhetoric and policies in response.

Non-refoulement, or the obligation not to repatriate refugees to their countries of origin under dangerous conditions, is a key element of customary international law, and not just specific to the 1951 Convention. Therefore, all states - irrespective of their status vis-a-vis the Convention - are bound to abide by the same. The UNHCR, too, maintains offices in countries across South Asia, and works in coordination with national governments to provide legal identification and other forms of assistance to refugee populations.

Policy of Practice

South Asian countries have in some respects followed the Convention in policy and in practice. Refugees receive asylum, legal identification from the UNHCR, as well as the right to earn livelihoods. However, the Convention and Protocol's silence on climate refugees as a category also finds reflection in South Asian countries' approaches to the issue of forced migration. Those who have received asylum in South Asia are overwhelmingly persecuted on grounds of identity or political opinion or are fleeing conflict, as set out in the 1951 Convention's definition of "refugee." Afghan refugees in Pakistan, Sri Lankan Tamils seeking refuge in India and the Rohingya fleeing Myanmar for neighbouring countries like Bangladesh, India, and Pakistan are key examples.

However, although awareness about the human cost of climate disasters is rising across South Asia and steps are being taken by governments, these measures remain ad-hoc and situational rather than streamlined into policy. India has undertaken significant HADR (Humanitarian Assistance and Disaster Relief) operations in the form of evacuations and material aid, internationally as well as domestically, in the event of natural disasters by mobilising its administrative apparatus and armed forces personnel. Similar measures have been taken in Pakistan, most recently during the floods of 2025 that led to heavy casualties and damage to property.

The lack of recognition for climate refugees is not merely a result of neglect; as we have noted, it was a largely unforeseen challenge when the 1951 Convention and 1967 Protocol were drafted. As it happens, climate refugees are projected to become an undeniable influence in South Asia. Neighbouring Afghanistan is at significant risk, too, due to institutional instability, severe economic constraints, and extreme weather events (severe drought as well as flash floods); as is Myanmar, where extreme weather events worsen displacement on account of nationwide conflict.

Unique Context

While there are calls to amend the 1951 Convention, as well as for more countries to ratify it, instead of mere ratification of international conventions, South Asia's policy approach to the issue of cross-border climate migration should be shaped by its own unique context—and constraints, which this paper will address shortly.

As one of the most climate-vulnerable countries in the world, Bangladesh has made the most significant strides in the region towards a dedicated climate refugee policy. Its National Adaptation Plan of Action and 8th Five Year Plan are notable in this regard, as they focus on supporting displaced communities and providing them with the tools to adapt.¹⁴ As a mountainous country, Nepal sees significant climate migration—internal, as well as to other South Asian countries—due to landslides, flooding, and water scarcity caused by melting glaciers. Despite this vulnerability, there is a policy gap caused by the absence of a law or policy formally recognising climate migration. The island nation of Sri Lanka, too, has seen mass displacement caused by natural disasters, particularly during the tsunami of 2004 and in the aftermath of Cyclone Ditwah in December 2025. Despite its focus on sustainable development and adaptation, Sri Lanka, too, lacks a targeted policy or legislation to prevent and aid climate refugees and internal migrants.

¹⁴ ILO Policy Brief, "Climate Change and Human Mobility in Bangladesh," International Labour Organization, <https://www.ilo.org/media/7471/download>.

It is thus evident that, while the role of climate change as a driver of displacement is acknowledged across South Asia, the approaches of countries have been fragmented and individualised, which is insufficient given their interconnectedness and proximity.

While a majority of forced climate migration is internal, taking the form of movement from rural to urban areas caused by flooding and crop failure, among other factors, climate change has begun to result in significant cross-border spillover, which is projected to rise significantly. It is highly recommended that countries in South Asia continue to undertake and enhance preventive and mitigation efforts domestically by investing in early warning systems, setting up weather-resistant infrastructure, promoting sustainable methods of agriculture and fishing, and through controlled construction activity in mountainous regions. Equally, the external spillover of climate refugees requires collective regional redressal and capacity-building.

CLIMATE MIGRATION HOTSPOTS IN SOUTH ASIA

Although South Asia as a whole is acutely climate-vulnerable, the following three areas have seen the most significant surges in recent cross-border climate migration:

1. India-Bangladesh: India and Bangladesh are among the most at-risk countries for climate-related disasters. According to the World Risk Index 2024, India ranked 3rd on vulnerability with a risk index score of 40.96%, closely followed by Bangladesh, which ranked 9th with a score of 27.73%¹⁵. With 80% of its land classified as floodplain, Bangladesh frequently suffers floods and storm surges that endanger its population's lives and livelihoods. India, with its 7,500-km coastline, is also hit by cyclones frequently, especially the Bay of Bengal coast along the country's eastern seaboard, which is contiguous with Bangladesh.¹⁶

In addition to their individual climate vulnerabilities, India and Bangladesh share two fragile ecosystems: The Ganga-Brahmaputra-Meghna Delta and the Sundarbans that are contained in the southernmost aspect of this delta. This vast ecosystem, among the largest deltas in the world, is shared between Bangladesh and India and threatened by flooding and rising sea levels, which also pose an imminent threat to human settlements and biodiversity in these regions.

¹⁵ Bündnis Entwicklung Hilft, Ruhr University Bochum, and Institute for International Law of Peace and Conflict, World Risk Report 2024, accessed April 17, 2025, <https://weltrisikobericht.de/worldriskreport>.

¹⁶ Devangana Gupta, Pankaj Kumar, Naoyuki Okano and Manish Sharma, "Climate-Induced Migration in India and Bangladesh: A Systematic Review of Drivers, Impacts, and Adaptation Mechanisms." Climate 13, no. 4 (2025): 81, <https://www.mdpi.com/2225-1154/13/4/81#B31-climate-13-00081>.

The adverse effects on human settlements include forced migration, which takes place domestically as well as across borders. It is estimated that between 50%-70% of slum dwellers in Dhaka, the capital of Bangladesh, are climate migrants from that country's southern deltaic districts affected by soil and water salinity, erosion, and cyclones. Equally, estimates—these are both wide-ranging and controversial—indicate that 20 million may have migrated from Bangladesh to India¹⁷; although there is no estimate for how many of this number are climate migrants. The lack of recognition afforded to climate refugees has led to ambiguity on the exact numbers displaced by climatic/environmental/natural factors.

As in Bangladesh, major cities in India such as Kolkata, the National Capital Region in New Delhi and its environs, and Mumbai bear the brunt of accelerated internal displacement. These urban centres, already burdened with overpopulation and infrastructure shortages, often cannot accommodate such waves of migration. This forces the dispossessed climate migrants into informal settlements, in turn leading to a vicious cycle which serves to further exacerbate their vulnerability.

Due to the absence of formal recognition, particularly in India, climate migrants' access to social security benefits and other programs is significantly limited. They are often confined to precarious living and working conditions. Although neither of the two countries is a signatory to the 1951 Convention, Bangladesh, due to its unique susceptibility to floods, has officially recognised forced migration due to climatic events in its Mujib Prosperity Plan, as well as in its 8th National Adaptation Plan. India, however, has taken no steps towards formally acknowledging or addressing this imminent challenge, and remains reliant on ad-hoc executive decisions. On the contrary, India's refugee policy has seen a shift towards stricter rules of admission and refoulement. This is evidenced by exercises like the National Register of Citizens (NRC) and the more recent Special Intensive Revisions (SIR), which aim to gauge the exact number of immigrants. This change in stance was most recently reflected in reports of around 40 Rohingya refugees—men, women and children—being provided life jackets and then offloaded into the Bay of Bengal, with instructions to swim towards the Myanmar coast¹⁸.

¹⁷ Maria Camilla Duque, "Climate Change in Bangladesh Shapes Internal Migration and Movement to India," Migration Policy Institute, September 4, 2024, <https://www.migrationpolicy.org/article/bangladesh-india-climate-migration#history>.

¹⁸ Thomas Andrews, "Alarmed by reports of Rohingya cast into the sea from Indian navy vessels, UN expert launches inquiry of "unconscionable, unacceptable" acts"," United Nations Human Rights Office of the High Commissioner, May 15, 2025, <https://www.ohchr.org/en/press-releases/2025/05/alarmed-reports-rohingya-cast-sea-indian-navy-vessels-un-expert-launches>.

Formal recognition of climate refugees on the basis of data gathered through household surveys, Earth Observation data, and Call Detail Records may help ascertain the exact number of cross-border climate migrants. As we shall see, more precise data, in turn, would help the truly vulnerable access legal pathways towards necessary accommodations without exacerbating the problem of unabated, illegal immigration.

2. The Maldives: An archipelago and country situated 750 km southwest of mainland South Asia, the Maldives comprises 1,190 low-lying islands and 26 atolls spread over 90,000 square kilometers. Over 80% of the islands are precariously situated less than one meter above sea level. This unique geography poses a threat to the country's very existence, making it particularly susceptible to coastal erosion, rising sea levels, and coral reef degradation. Rising sea levels have also led to a serious scarcity of freshwater, severely limiting the availability of drinking water as well as freshwater sources for irrigation. According to various qualified estimates, these factors may render up to 80% of the Maldives uninhabitable between 2050 and 2100¹⁹.

In 2012, Mohamed Nasheed, the President of the Maldives at the time, sounded an alarm on the urgency of the situation by stating: "If carbon emissions continue at the rate they are climbing today, my country will be underwater in 7 years."²⁰ Current President Mohamed Muizzu, too, has framed the situation as a climate justice issue, writing that the Maldives and other SIDS (Small Island Developing States) face disproportionate threats and receive inadequate assistance from developed countries, despite having contributed negligibly to global warming.²¹

Although Maldivians have not yet started migrating to other countries in large numbers, migration is recognised as a mode of adaptation. There has been significant migration from low-lying islands to higher ones, most notably to the artificial reclamation of Hulhumale, an extension of the capital Male that lies over 2 meters above sea level. The Maldivian government has made efforts to create such elevated reclamations to accommodate populations from low-lying islands that are more vulnerable to submersion in the near future.

¹⁹ NASA Earth Observatory, "Preparing for Rising Seas in the Maldives," NASA, April 9, 2021, <https://science.nasa.gov/earth/earth-observatory/preparing-for-rising-seas-in-the-maldives-148158/>.

²⁰ Linda Catoe, "Endangered island nations call for global action on climate change," The Guilfordian, April 6, 2012, <https://www.guilfordian.com/worldnation/2012/04/06/endangered-island-nations-call-for-global-action-on-climate-change/>.

²¹ Mohamed Muizzu, "The Maldives faces existential threat from a climate crisis it did little to create. We need the world's help now," The Guardian, May 25, 2024, <https://www.theguardian.com/commentisfree/article/2024/may/25/maldives-climate-crisis-small-islands-climate-finance>.

However, the eventuality of the entire country being submerged looms large; Maldivians acknowledge the possibility that the population of a little over half-a-million may be ultimately rendered climate refugees, having to migrate to nearby countries like India, Sri Lanka, and Australia, among other possible destinations.²²

Preparation for such an eventuality, along with the reclamation of land to build higher islands to accommodate those displaced from low-lying islands, forms the crux of the Maldivian strategy on climate migration.

3. Himalayan Belt and India-Nepal: Climate migration, internal as well as cross-border, is a rapidly emerging issue in the Himalaya, particularly in the Hindu Kush Himalayan (HKH) region and further east in Nepal. These mountainous regions are among the hardest hit by global warming despite contributing negligibly to CO₂ and other greenhouse gas emissions. Among its most visible effects are rising temperatures, reduced snowfall, melting glaciers, and erratic monsoon patterns.

The India-Nepal Corridor sees an active and discernible cross-border climate migration flow. Although most of the migration has flowed from Nepal to India, as evidenced by the significant number of Nepali migrants employed in India (1.6 million according to recent studies), a smaller migration flow from India to Nepal has been observed, too. Average rainfall has been declining by around 3.7 millimeters per month every decade in the western Terai Plains of Nepal since 1960. These factors, together, have led to a decline in agricultural output in the region, forcing those subsisting on agriculture—roughly 60% of Nepal's population—to migrate to towns and cities, as well as across borders. The Terai region as well as more remote mountainous regions have witnessed a consequent decline in population²³.

Entire villages in Nepal and in the neighbouring Indian state of Uttarakhand have been abandoned due to mass migration, thus being labelled “ghost villages.”²⁴ Although bilateral cooperation exists between India and Nepal, most recently in the form of a MoU aiming to conserve biodiversity and reverse the harmful effects of climate change, there is little acknowledgment of the burgeoning crisis of cross-border climate migration.

²² Ritika V Kapoor, “CLIMATE CHANGE VULNERABILITIES OF THE MALDIVES: IMPLICATIONS FOR INDIA,” *National Maritime Foundation*, April 3, 2020, <https://maritimeindia.org/climate-change-vulnerabilities-of-the-maldives-implications-for-india/>.

²³ Anasua Basu Ray Chaudhury, Sreedipta Roy, “Melting Glaciers, Moving People: Nepal's Climate-induced Migration,” *Observer Research Foundation*, November 11, 2025, <https://www.orfonline.org/expert-speak/melting-glaciers-moving-people-nepal-s-climate-induced-migration>

²⁴ Chhabi Lal Chidi et al, “The Ghost Village: Disappearing Human Settlements from the Mountains and the Hills of Nepal,” *The Third Pole: Journal of Geography* Vol. 25: 14-25, 2025. DOI: <https://doi.org/10.3126/tp.v25i1.87609>

Meanwhile, water shortage is projected to lead to water scarcity for 250 million people in the HKH region alone, as well as for approximately 1.6 billion downstream²⁵. Climate migration at this scale, mistaken for economic migration due to the lack of formal recognition to climate refugees, also threatens to cause demographic instability in other South Asian countries.

Although Nepal's National Adaptation Plan seeks to address domestic climate migration through long-term strategies aimed at building resilience²⁶, there is a palpable policy gap in terms of dealing with cross-border climate migration. There is a need for increased bilateral and regional cooperation, as well as for diversification of livelihoods, that is, a policy shift to encourage occupations other than climate-sensitive ones such as agriculture and fishing. A shift in policy approach from merely disaster management to addressing migration as an adaptation mechanism, too, is recommended.

ASSESSING THE SCALE OF THE PROBLEM

Accurate data collection is of the essence here, of which there are three widely used methods; household surveys, Call Detail Records (CDRs), and Earth Observation (EO) data. While household surveys reveal the names and number of migrants, CDRs can help trace migrants' location immediately upon departure from a climate-distressed area, as was found by a longitudinal study of 6 million anonymous cellphone users in Bangladesh²⁷.

CDRs are generated with a message or a phone call. This reveals the time and duration of the call/SMS, as well as the location of the cell phone and therefore, its user, at the time of the call/SMS. In the context of disaster management and internal displacement, studying pre-disaster and post-disaster CDRs has been a valuable source of information about the resulting migration flows or large-scale population transfers. CDRs were used to track displaced persons in the aftermath of the 2010 and 2011 earthquakes in Haiti and New Zealand respectively, as well as the cyclone that struck Bangladesh in 2013.

²⁵ Anasua Basu Ray Chaudhary, Sreedipta Roy, "Melting Glaciers, Moving People: Nepal's Climate-induced Migration," Raisina Debates, Observer Research Foundation, 11 November 2025. <https://www.orfonline.org/expert-speak/melting-glaciers-moving-people-nepal-s-climate-induced-migration>

²⁶ Government of Nepal, National Adaptation Plan 2021 (Ministry of Forests and Environment, 2021), UNFCCC, https://unfccc.int/sites/default/files/resource/NAP_Nepal_2021.pdf.

²⁷ Xin Lu, David J. Wrathall, Pål Roe Sundsøy, Md Nadiruzzaman, Erik Wetter, Asif Iqbal et al. "Unveiling hidden migration and mobility patterns in climate stressed regions: A longitudinal study of six million anonymous mobile phone users in Bangladesh." *Global Environmental Change* 38 (2016): 1-7, <https://www.sciencedirect.com/science/article/pii/S0959378016300140>.

Privacy, and Caveats

However, the use of CDRs to map migration flows presents challenges. The method has been criticised for potentially violating the privacy of mobile phone users, as well as for accounting for only those displaced persons who have access to cellphones.

EO data can help map migration flows in real time through the use of satellite imaging²⁸. Generated by satellites, EO data captures the resource-scarcity or natural disasters that compel people to relocate. Satellites, with the help of Artificial Intelligence (AI), also gauge the resulting displacement of populations, thus establishing a cause-effect relationship between the specific environmental harm and subsequent transfer of population. While the use of EO data has found application in policy studies, humanitarian aid, and forecasting natural disasters, concerns have been raised about its accuracy. Clouds have been found to obstruct images, and different EO products have yielded different results/measurements. Given the strengths and limitations of each of these methods, an approach combining them is likely to yield accurate data about the number of climate refugees and the causes of their displacement.

²⁸ Aurélien Sacotte and Peter Scholten. "Using earth observation data for studying climate migration: an exploration of methodological opportunities and constraints." Oxford Open Climate Change 5, no. 1 (2025): kgaf022, <https://academic.oup.com/oocc/article/5/1/kgaf022/8267725>.

PRECEDENTS

The lack of recognition afforded to climate refugees presents a serious policy roadblock and definitional gap. However, precedents exist across the world that can impart valuable lessons on how policy can be shaped, and preparedness enhanced in the South Asian context. The following three instruments address forced displacement due to natural and environmental factors:

1. Nansen Initiative/Platform on Disaster Displacement: The Nansen Initiative, led by Switzerland and Norway, was the first organized effort worldwide to advocate for climate refugees. Although not legally binding, the 2012 initiative functions as a state-led consultative process to address the rights and protections necessary for climate refugees around the world. These consultations, involving multiple stakeholders and employing a bottom-up approach, seek inputs from governments, international organisations, and key civil society members.

Its non-binding “Project Agenda” functions as a collection of best practices meant to help states mitigate and manage disaster-induced cross-border displacement. Its areas of focus include enhanced preparation for natural disasters, disaster risk education, and humanitarian measures intended to protect those displaced or otherwise adversely affected²⁹.

2. Kampala Convention: The Kampala Convention was adopted in 2009 and came into force on 6 December 2012. At present it has been ratified by 30 out of 55 members of the African Union, with many others having expressed interest in ratifying it. It is revolutionary as the first international treaty to formally recognise Internally Displaced Persons (IDPs). The Kampala Convention expands on the United Nations Guiding Principles on Internal Displacement of 1998³⁰, extending rights and protection to those internally displaced by natural disasters, development projects, and other natural and man-made environmental factors³¹.

²⁹ Disaster Displacement, Protection Agenda Volume I: Protection of Cross-Border Disaster Displaced Persons (Global Protection Cluster & IDRL Platform, Aug. 2015), https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I-low_res.pdf.

³⁰ United Nations Human Rights - Office of the High Commissioner. <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons/international-standards>

³¹ African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (Oct. 23, 2009; in force Dec. 6, 2012), archived at https://web.archive.org/web/20200509130316/https://au.int/sites/default/files/treaties/36846-treaty-0039_-_kampala_convention_african_union_convention_for_the_protection_and_assistance_of_internally_displaced_persons_in_africa_e.pdf.

For the purposes of the Convention, displaced persons are defined as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognized state border.” The protections afforded by the Convention are, therefore, comprehensive, and cover individuals displaced by a variety of causes.

It has instituted a rights-based framework and placed obligations on ratifying state parties vis-à-vis those forcibly displaced within their borders. Under this framework, IDPs have the right to avail basic services such as education, healthcare, protection from harmful traditional practices, and the right against arbitrary displacement on the grounds laid out in the Convention. State parties are obligated to provide these basic services, requisite humanitarian aid, and protection from arbitrary displacement as well as discriminatory treatment. States must make every effort, too, to ensure a safe and dignified return for displaced people.

Despite the Kampala Convention, however, Africa continues to house the largest population of IDPs in the world. In 2019 Africa accounted for one-third of all IDPs³². More recent estimates from IDMC in its Global Report on Internal Displacement 2024, indicate that around 46% of the world’s population of IDPs resides in sub-Saharan Africa alone³³. Nevertheless, the Convention has important lessons to impart to South Asia. Despite implementation failures, the African Union, consisting predominantly of Global South countries, was able to formulate and implement a collaborative, rights-based regional mechanism. It was not only a significant early step towards the recognition of IDPs under international law, but also acknowledged, and provided redress to, internally displaced climate migrants. This is particularly relevant, considering that a majority of forcibly displaced climate migrants are IDPs.

In 2018, a Model Law was adopted to enable all ratifying states to align their respective laws concerning IDPs with the Kampala Convention. The Model Law provided a template, which ratifying states could modify as per their own domestic requirements. The formulation of a model law attempts to balance harmonisation and flexibility, allowing member states to fashion their compliance with the Convention according to their specific circumstances.

³² Internal Displacement Monitoring Centre, Global Report on Internal Displacement 2019 (GRID) (NRC/IDMC, May 2019), archived at <https://web.archive.org/web/20200518160042/https://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf>.

³³ Internal Displacement Monitoring Centre, Global Report on Internal Displacement (GRID) 2024, p. 21. <https://api.internal-displacement.org/sites/default/files/publications/documents/IDMC-GRID-2024-Global-Report-on-Internal-Displacement.pdf>

3. AADMER: The ASEAN Agreement on Disaster Management and Emergency Response (AADMER) is a key example of humanitarian collaboration in South Asia's neighbourhood. Despite their mutual differences and diversity, the ASEAN states, through AADMER, have undertaken to cooperate with the aim of preventing natural disasters and providing humanitarian aid to those affected, including IDPs and refugees. Although not focused on displacement wrought by climate change and other long-term environmental factors, AADMER is focused on risk assessment, resource mobilisation, and preventative efforts within the region. Its areas of investment include early warning systems, disaster-resistant infrastructure, and the creation of disaster resilient communities for the long run³⁴.

Despite several implementation and coordination gaps at the local level, AADMER has largely been a successful initiative. Within a span of 20 years, it has grown to encompass disaster prevention and adaptation, in addition to disaster response. Its core principle of "One ASEAN, One Response" was recently witnessed in action during member states' unified, comprehensive response to tropical cyclone Yagi in 2024³⁵, thus emphasising the benefits of a regional approach over a strictly individualised one: For countries, as well as for individuals affected by disasters.

³⁴ ASEAN, Agreement on Disaster Management and Emergency Response (AADMER) (26 July 2005), <https://ahacentre.org/wp-content/uploads/2016/11/AADMER-DOCUMENT.pdf#:~:text=Objective.%20The%20objective%20of%20this%20Agreement%20is,accordance%20with%20the%20provisions%20of%20this%20Agreement.>

³⁵ Maciej Popowski and Lee Yam Ming, "One Year of Impact: Strengthening ASEAN-EU Disaster Cooperation for a Safer Future," The ASEAN Magazine, October 15, 2025.

RECOMMENDATIONS

As the problem of cross-border climate migration has international, regional, as well as bilateral dimensions, it demands a multilayered approach. International legal recognition for climate refugees is crucial to pave the way for regional and bilateral reforms. This must take the form of an expanded definition of “refugee” in the 1951 Convention to include those forcibly displaced by natural disasters and the effects of climate change. Reforms at the global level hold significant persuasive and authoritative value for regional frameworks. Regional frameworks are recommended, too, because regional contexts vary, and international law cannot adequately account for each region’s unique conditions and challenges.

Need For Collaborative Regional Mechanisms

The decision of South Asian to not ratify the 1951 Convention is a case in point, as they argue that the Convention is based on Eurocentric assumptions and fails to consider the constraints under which Global South countries operate. However, a collaborative mechanism grounded in the region’s own realities and constraints is recommended as a platform to facilitate cooperation in tackling a common problem.

Bilateral agreements are recommended too, between countries that see significant migration flows due to natural/climatic factors. In the South Asian context, this is especially applicable to India and Bangladesh as well as India and Nepal, three proximate and highly climate-vulnerable countries. Bilateral agreements allow for an even higher level of precision and targeted policymaking. Policy reforms at all three levels—global, regional, and bilateral—are necessary to adequately address a problem such as cross-border climate migration which has a verifiable spillover across national borders, and has emerged as a common challenge the world over.

Towards a Regional Commission

As a regional level intervention, it is recommended that South Asia implement a regional mechanism in the form of a Regional Commission, informed by lessons learnt from the three instruments and initiatives discussed earlier. While the non-binding Nansen Initiative, along with its best practices, has substantial persuasive value, the Kampala Convention’s expansive definition of IDPs and creation of a model law can help South Asian states define the problem and work towards harmonisation of domestic regimes. AADMER sets an example of regional cooperation within South Asia’s immediate neighbourhood, investing in disaster prevention and mitigation efforts across state borders.

A Soft-law Framework Beyond SAARC

A soft-law framework is more suitable for the South Asian context, in order to ensure a degree of technocratic cooperation that can be sustained alongside pre-existing diplomatic tensions in the region. On account of present paralysis and inaction of the South Asian Association for Regional Cooperation (SAARC), its suitability to host a Regional Commission is in question. SAARC's Comprehensive Framework of Disaster Management (CDFM) and the 2011 SAARC Agreement on Rapid Response to Natural Disasters were key SAARC-anchored initiatives to coordinate disaster responses and enhance preparedness in the South Asian region, but due to the dormancy of SAARC these initiatives, too, have stagnated since.

The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation, or BIMSTEC, on the other hand, could be a more suitable platform. BIMSTEC includes India, Bangladesh, Nepal, Sri Lanka and Bhutan from South Asia, and Myanmar and Thailand. From an organisational perspective, BIMSTEC's activities are more diverse and functional in comparison to those of SAARC. It also sidesteps thorny bilateral issues, as with India and Pakistan, that have stymied SAARC.

A 'BIMSTEC' Orientation

The recommendation that BIMSTEC provide the platform for the proposed Regional Commission is also rooted in the fact that a significant proportion of the cross-border climate migration in South Asia flows into India from its eastern neighbours, particularly Nepal and Bangladesh. As crucially, India, Bangladesh, and Myanmar, prominent BIMSTEC member states located in the climate-vulnerable Bay of Bengal region, figure among nations most adversely affected by climate risks. It is therefore more pragmatic to house the mechanism in an organisation that is functioning and viable. A measure of flexibility is also recommended to boost regional effectiveness, whereby the Regional Commission functions under the aegis of BIMSTEC but allows other countries in the neighbourhood to gain membership should there be a compatibility of interests.

However, the 7.7 Richter earthquake that struck Myanmar in 2025 proved the extent to which BIMSTEC's humanitarian and disaster relief, or HADR and disaster management operations are currently underdeveloped³⁶. Although BIMSTEC's disaster management framework has been in progress for years, it has remained largely theoretical and limited to workshops.

³⁶ Fiona Raval and Bantirani Patro, "How BIMSTEC Can Deliver a Regional HADR Framework by Learning from SAARC's Failures," Institute for Security and Developmental Policy, October 28, 2025, <https://www.isdp.eu/how-bimstec-can-deliver-a-regional-hadr-framework-by-learning-from-saarcs-failures/>.

That is, a substantial implementation gap exists despite various ideas and proposals. India, with its extensive domestic and international HADR experience, may prove to be a valuable partner in this respect, providing a boost to disaster management efforts which already fall within BIMSTEC's jurisdiction. Such a collaboration is likely to further enhance India's leadership role within the region, while advancing regional collaboration and benefiting any country that may be afflicted by disaster. HADR may form a key component of the proposed Regional Commission's operations. Collaboration in this area is aligned with the principles of proportional burden sharing and pooling of contributions that ought to be foundational for such a Commission.

Shared Responsibilities

Given the economic constraints of South Asian countries, it is recommended that this Regional Commission be funded by member states' pooled contributions in proportion to their capacity to contribute, as well as by international climate finance. When it comes to the procurement of greater international climate finance towards the enforcement of Common but Differentiated Responsibilities, a principle of international environmental law which recognises, among other things, a country's financial capacity, a bloc has greater bargaining power than a single country. In the current South Asian context of charged neighborhood relations and disputes over migration, the concept of proportional sharing of the total influx of climate refugees, so that no single country is inundated with a massive inflow of refugees or finds its resources or institutional capacities overstretched, appears impractical. Nevertheless, a shared regional crisis offers an opportunity for dialogue through such a Regional Commission, and for initiating phased and progressive steps for collective action.

Proportional burden sharing is also essential so as to prevent sudden and disruptive demographic change to the extent possible, which has the potential to lead to social and/or political instability. Proportional burden sharing ensures that every state receives no more than a fixed number of refugees, depending on its population, economic and institutional capacities. The success of proportional burden sharing was witnessed in the aftermath of Russia's invasion of Ukraine in 2022. Under the Temporary Protection Directive³⁷, Ukrainian refugees were temporarily admitted by several EU member states, roughly in accordance with their institutional and economic capacities as well as population density, among other criteria. Although no system of quotas was enforced and distribution was not always mathematically precise, no single state bore a disproportionate burden of refugees. This approach served to provide immediate protection and employment to the refugees, as well as new members of the workforce to their destination countries.

³⁷ Divya Balan, "Ukrainian Refugees: EU rhetoric for paradigm shift," Gateway House, April 7, 2022, <https://www.gatewayhouse.in/ukrainian-refugees-eu-rhetoric-or-paradigm-shift/#:~:text=Since%20the%20Russian%20invasion%20of,Ukrainian%20diaspora%20net works%20in%20Europe>.

In order to make proportional burden sharing more pragmatic, especially in the South Asian context, it is recommended that asylum/refuge be granted on a temporary basis to begin with. A provision for temporary asylum will not only make it more feasible for destination countries to host migrant populations by preventing the challenges associated with permanent accommodation and resettlement, it is also in line with the International Organization on Migration's emphasis on facilitating return wherever it is possible to do so without causing more harm. This differs from refoulement, as it involves the repatriation or relocation of migrants only where conditions are safe for their return. Under the Temporary Protection Directive, as explained above, EU nations are hosting displaced Ukrainian nationals on a temporary basis, which is subject to extension if hostilities between Ukraine and Russia do not abate. The IOM, the UN migration agency, also emphasises the safe, dignified, and voluntary return of migrants as the most preferable outcome³⁸. Temporary shelter or asylum is, therefore, a practicable solution that balances the human rights of migrants with the finite capacities of host countries.

Defining the 'Climate Refugee' or 'Climate Migrant'

The proposed Regional Commission may work on formulating a definition of "climate refugee" or "climate migrant," in consultation with climate scientists, legal experts, and other subject matter specialists and stakeholders. This definition may be in addition to the definition in the 1951 Convention, and be tailored to South Asia's real-life constraints and regional context. The Regional Commission may also focus on regional knowledge sharing, mutual aid in the event of natural disaster, and the harmonisation of refugee laws in all member countries through the formulation of a model law. A model law, as in the case of the Kampala Convention, is a path towards harmonisation while simultaneously allowing room for each country's specific context and circumstances.

Moreover, a collaborative approach such as this would serve to enhance the region's collective bargaining power on the global stage. This is crucial in light of first world countries' repeated failures to contribute financially towards climate repair efforts. The example of the Conference of Parties (COP29), conducted in 2024, is particularly telling in this regard. Developed countries agreed to contribute only \$300 billion towards the New Collective Quantified Goal (NCQG) by 2035, which is less than 25% of the \$1.3 trillion demanded by developing countries.

³⁸ International Organization for Migration (IOM), "Safe, Dignified and Rights-Based Return and Reintegration," accessed May 20, 2026, <https://www.iom.int/safe-dignified-and-rights-based-return-and-reintegration>.

A mere \$731 million was pledged towards the Fund for Responding to Loss and Damage (FRLD) at the Conference, a tiny fraction of the requirement of approximately \$724.43 billion per annum. A UNHCR report, authored in partnership with the Internal Displacement Monitoring Centre and others, has revealed that climate-vulnerable states receive just \$2 per capita annually for adaptation, as opposed to \$161 per capita being allocated to non-fragile states annually³⁹. The formation of a South Asia-centric bloc could correct this inequity by enabling collective bargaining for larger and fairer contributions by Global North Countries towards the realisation of the Polluter Pays Principle and the principle of Common but Differentiated Responsibilities.

BRICS-plus is a valuable example of emerging cooperation leading to enhanced bargaining power and economic impact. Its membership comprises developing countries in Asia, India being a key member. The cumulative GDP of the eleven BRICS member-states accounts for more than 40% of the world economy as of 2025, significantly outperforming the developed G7 states in economic growth⁴⁰. The BRICS Bank has also been instrumental in providing financial assistance to other countries in the Global South over and above the original membership of the BRICS bloc, thus effectively reducing members' dependence on Western institutions⁴¹.

The proposed Regional Commission, through issue-based cooperation, may provide a suitable platform for co-ordination, information sharing, management of migration flows, and greater bargaining power for increased climate finance from global institutions.

³⁹ News and Press Release, "COP 29: Key outcomes on displacement and implications for climate policy," ReliefWeb, December 18, 2024, <https://reliefweb.int/report/world/cop29-key-outcomes-displacement-and-implications-climate-policy>.

⁴⁰ Mayara Souto, "BRICS GDP outperforms global average, accounts for 40% of world economy," BRICS Brasil 2025, May 02, 2025, <https://brics.br/en/news/brics-gdp-outperforms-global-average-accounts-for-40-of-world-economy>.

⁴¹ Tundjung Linggawati and Nabil Hadiansyah, "BRICS as an Alternative to Western Dominance in Global Government," The Asian Institute of Research Journal of Social and Political Sciences 8, no. 1 (2025): 211-218, https://www.asianinstituteofresearch.org/_files/ugd/ed8b62_271dffd5d9ad42e0a87de9a5853f7e7a.pdf.

CONCLUSION

As established in the ICJ's advisory opinion, human rights and climate change are connected issues. It therefore follows that forced climate displacement is a grave and emerging human rights issue. Besides the high risk of casualties, displaced communities suffer from poverty, psychological trauma, and the uncertainty that comes with a lack of legal recognition.

This paper recognises that even as it calls for a definition of "climate refugee," it does not intend to oversimplify the matter of various causes of migration. Equally, it acknowledges the complexity of identifying economic v. climatic drivers; and the equally complex matter of attributing causality. While this remains a difficult issue globally and is not unique to this paper, a future-cognizant approach is crucial.

This precarity must be addressed in a targeted and efficient manner involving regional collaboration. A focused climate refugee policy is also in the interest of South Asian countries. Forced displacement significantly cuts average incomes, with a significant percentage of a country's population being rendered without the means to earn a livelihood when they are forced to flee natural disaster. The expense of moving itself pushes refugee families further into debt, thus creating a debt trap and driving up net domestic as well as regional poverty.

Restrictive refugee policies have demonstrably lowered remittances for the most climate vulnerable countries, as climate refugees who are accommodated and find work in their destination countries contribute to the total remittances accruing to their home countries, whereas increased restrictions lead to lower overall remittances and increasingly adverse impact⁴². According to a World Economic Forum paper, poorer countries with limited means to adapt are the worst sufferers of climate catastrophe and the resulting forced displacement⁴³. This includes countries in South Asia, all of which are classified as "developing."

⁴² Andrea Sique and Lennart Reiners, "As Climate Change Transforms Migration, Governments Must Act to Ease Restrictions," Asian Development Blog, May 5, 2024, <https://blogs.adb.org/blog/climate-change-transforms-migration-governments-must-act-ease-restrictions>.

⁴³ Megha Bhargava, "The Climate Crisis Disproportionately Hits the Poor. How Can We Help Them?" World Economic Forum, January 13, 2023, <https://www.weforum.org/stories/2023/01/climate-crisis-poor-davos2023/>.

Not a Zero-Sum Game

Refugee rights and national interest are, therefore, not a zero-sum game. Through a collaborative mechanism grounded in the region's realities, human rights and national sovereignty can be synchronised to reinforce rather than contradict one another. The dearth of empirical evidence is itself evidence of a lack of attention towards the issue of forced climate migration. This lack of precise data does not indicate the issue's theoretical or abstract nature; on the contrary, it is proof that legal recognition of climate refugees is increasingly necessary. With international organisations recognising the gravity of forced climate displacement, it is increasingly important that South Asia follow their example. This is in line with the existing precedent, whereby South Asian states have followed the UNHCR framework in principle without officially ratifying and becoming parties to the same.

A Regional Commission, operating through a soft-law framework, is an apt recommendation to ensure regional preparedness, cooperation, and proportional burden sharing. The examples of the Kampala Convention and AADMER are pertinent in this regard, as proof that Global South countries can cooperate to solve regional problems independently from the relatively Eurocentric international legal norms.

The suggestion that such a Commission be anchored in BIMSTEC, with flexibility for other South Asian countries to join on account of a shared future, invokes a mechanism that is already active, with the possibility of expanding the benefits of cooperation. In light of the burgeoning climate migration crises throughout the region—particularly in India, Bangladesh, the Maldives, and Nepal—preparation is key, so that individual state capacities are not overwhelmed when cross-border climate migration finally surges.

A Regional Commission, however, is not sufficient. Efforts must extend to the domestic and grassroots levels too, so that migration, which is an adaptation response, can be accompanied by preventive efforts. Such a coordinated, multi-tier effort is likely not only to mitigate and prevent the problem of uncontrolled climate migration, but also to protect human rights and thus preserve regional stability.

Notes

1. The 1951 Convention Relating to the Status of Refugees, also known as the Refugee Convention, is a UN treaty defining the term “refugee” and specifying the rights as well as the legal standards states must meet in order to protect them. It protects individuals fleeing persecution on the basis of race, religion, nationality, political opinion, or social group.
2. The 1967 Protocol Relating to the Status of Refugees is an international treaty that has expanded the ambit of the 1951 Refugee Convention by removing the time (pre-1951) and geographical (Europe) limitations as set out in the original Convention.
3. Although states in South Asia recognise the principle of non-refoulement as customary international law, India, Pakistan, and Bangladesh have faced accusations of refoulement in recent years. These include reports of Rohingya refugees in India being offloaded into the Bay of Bengal⁴⁴, Afghan refugees being deported back from Pakistan⁴⁵, and Bangladesh’s inability to admit any more Rohingya refugees⁴⁶ due to fears of demographic change and institutional overburdening.
4. With rapidly intensifying climate change, international organizations and agencies have begun to recognise the link between climate change and human rights by advocating for the rights of climate migrants, who have yet to be accorded refugee status. UNHCR asserts that climate change is a “crisis multiplier,” which exacerbates pre-existing conflict-related displacement. UN Secretary-General Antonio Guterres has acknowledged that climate change is a key driver of forced displacement, expressing concern that those forcibly displaced by natural events “find themselves in a legal void”⁴⁷ due to a lack of formal recognition as refugees.

⁴⁴ Thomas Andrews, “Alarmed by reports of Rohingya cast into the sea from Indian navy vessels, UN expert launches inquiry of “unconscionable, unacceptable acts,” United Nations, 15 May, 2025, <https://www.ohchr.org/en/press-releases/2025/05/alarmed-reports-rohingya-cast-sea-indian-navy-vessels-un-expert-launches>.

⁴⁵ Abid Hussain, “ ‘Illegal in own homes’: Afghan refugees caught in Pakistan-Taliban tensions,” Al Jazeera, October 22, 2025, <https://www.aljazeera.com/features/2025/10/22/pakistan-speeds-up-expulsion-of-afghan-refugees-amid-tensions-with-taliban>.

⁴⁶ Haroon Habib, “Bangladesh shuts border to Rohingya refugees,” THE HINDU, November 23, 2016, <https://www.thehindu.com/news/international/Bangladesh-shuts-border-to-Rohingya-refugees/article16683927.ece>.

⁴⁷ Adrian Edwards, “Landmark UNHCR conference opens with appeal for the world’s forcibly displaced, stateless,” UNHCR: The UN Refugee Agency, December 7, 2011, <https://www.unhcr.org/news/stories/landmark-unhcr-conference-opens-appeal-worlds-forcibly-displaced-stateless>.