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Climate Displacement and Legal Invisibility: Rethinking Refugee Law through Bangladesh's Experience

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Abstract: Bangladesh is witnessing a rise in climate-induced displacement without corresponding legal recognition. People who are forced to relocate due to rising sea levels, salinity, and river erosion are still not protected by the Refugee Convention of 1951 or Bangladesh's laws. Using doctrinal and comparative methodologies, this research examines the lack of rules and policies addressing this type of displacement. It closely examines international frameworks, such as soft law tools, and national policies, including the Disaster Management Act, 2012 and the National Adaptation Plan (2023–2050). It uses examples from Satkhira and Bhola to explain how climate-driven migration leads to de facto statelessness, legal erasure, and structural marginalisation. The paper suggests two ways to respond: a national Climate Displacement Protection Act and a SAARC protocol that recognises climate displacement in the region. Legal recognition must shift from viewing climate migrants as people who need help to seeing them as individuals with rights that can be enforced. Bangladesh is well-positioned to lead this change in norms and develop a Global South response based on justice rather than exception.

Keywords: Climate Refugees, Statelessness, Bangladesh, International Refugee Law, Environmental Law, Human Rights

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INTRODUCTION

Overview of Bangladesh's Climate Vulnerability

Bangladesh is affected by climate change due to its geographical position and also suffers from vulnerable ecosystems, political and social problems, and a legacy of underdevelopment. The nation is in the Indian Delta of the Ganges-Brahmaputra-Meghna and the Bay of Bengal. The country now faces additional climate-change-induced threats, including sea-level rise, cyclonic surges, saline intrusions, and riverbank erosion. These events have become more frequent and severe due to changes in the global climate (Intergovernmental Panel on Climate Change [IPCC], 2023).

This vulnerability is exacerbated by the fact that large numbers of people reside in low-lying coastal areas. More than 1,200 people are living in each square kilometre of land, and the shoreline is more than 700 miles long. Even small changes to the environment can move thousands of people, not just once but as part of a protracted, destabilising process (World Bank, 2024). People are already moving away from districts like Satkhira, Bhola, and Khulna for good. This is due to the collapse of agriculture and the scarcity of drinking water (Rahman, Gain, and Das, 2021). These migrations are not necessarily big; many of them occur slowly and without anyone noticing, so they do not receive the attention that comes with emergency-driven displacement.

Bangladesh is distinct because it has significant environmental exposure but limited capacity to adapt, and its institutions are not well integrated. State planning remains underfunded and largely reactive, despite efforts to adapt to climate change. Additionally, because environmental degradation occurs slowly, particularly in the form of salinity, water logging, and seasonal flooding, it is less apparent in legal and humanitarian terms. These are not "events" in the usual sense; they are persistent circumstances of unsustainability that make it hard to understand what displacement means.

Problem: Climate-Induced Displacement and the Legal Recognition Gap

Despite increasing evidence that climate change is causing people to relocate within their own countries, climate-induced displacement remains unaddressed by both international and domestic law. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol define forced migration minimally, assuming that other people are persecuting people and not including people who are leaving places that are too dangerous to live in (United Nations High Commissioner for Refugees [UNHCR], 2011). This strict adherence to doctrine generates a group of persons who are displaced and at risk, but is not given the statutory protections of refugee status.

In the context of Bangladesh, this exclusion has tremendous effects. Without a persecutory agent, persons who have to leave their homes due to rising tides or

saltwater intrusion cannot apply the principle of non-refoulement or obtain legal recognition across borders (McAdam, 2021). Even when international human rights standards, such as the right to life in the International Covenant on Civil and Political Rights, are applied, they have not been broad enough to encompass climate displacement yet. The *Teitiota vs. New Zealand* case demonstrates that legal institutions remain uncertain about whether environmental factors compelling people to relocate constitute a valid reason to protect them (UN Human Rights Committee, 2020).

Bangladesh's national laws and policies, such as the Disaster Management Act 2012 and the National Adaptation Plan (2023–2050), have taken climate risk into account when developing plans and implementing projects. But they never go so far as to say that the displaced have rights. They fail to provide a legal definition of climate-displaced people or establish mechanisms to ensure they can access land, identification papers, or basic services. Because they have no legal status, the affected individuals are in a state of prolonged precarity, being economically fragile, politically invisible, and legally unprotected.

Moreover, in situations when moving causes people to lose their documents, they could end up being *de facto* stateless. It is almost impossible to access education, healthcare, or justice without a verifiable form of legal identification. This type of legal erasure, which occurs because institutions lack concern, exacerbates the damage from climate displacement far beyond simply losing land or shelter (Kälin, 2022).

Objective: Toward Legal Recognition and Protection

The goal of this research is to examine the doctrinal and operational flaws that continue to prevent climate-displaced individuals from obtaining legal recognition, using Bangladesh as a case study. It looks at why present international refugee law is still built on a model of persecution and how this way of thinking hides the fact that climate-induced migration is a structural issue. The study examines both binding treaties, such as the 1951 Convention, and ongoing soft law efforts, including the Cancun Adaptation Framework (CAF), established at COP 16 in 2010 and the Global Compact for Migration. It does this using doctrinal and comparative technique. We examine these instruments not only for what they say, but also for what they do not say, and how those gaps make it harder for people who have to relocate due to climate change to access help.

The study criticises the holes in Bangladesh's legal and policy remedies at home. Policy talks have acknowledged climate vulnerability, but they are still struggling to devise ways to protect the rights of people who have been displaced. The study suggests that this absence is not merely an administrative error; it also indicates a more profound reluctance to view relocation as a legal issue rather than a logistical one.

The study indicates that there should be two levels of legal action to fill in these gaps. First, the study discusses why Bangladesh needs a Climate Displacement Protection Act to protect the rights, benefits, and legal status of individuals who have been forced to leave their homes. Second, it asks for a South Asian Association for Regional Cooperation (SAARC) regional protocol that takes into account the climate of the subcontinent and how people get around. These ideas come from looking at the African Union's Kampala Convention and Latin America's Cartagena Declaration, both of which have broadened the scope of protection beyond the traditional refugee model.

Ultimately, this study aims to revolutionise how we think about climate displacement. We should not view it as a new problem but rather as a legal category that requires immediate identification. By doing this, it makes Bangladesh's experience the focus of a larger call for legal reform that places justice, accountability, and acknowledgement ahead of charity or making things up.

LITERATURE REVIEW

Legal Theories on Refugee Law

The current state of international refugee law is rooted in the geopolitical concerns of the mid-20th century following World War II. Guy S. Goodwin-Gill, in his authoritative interpretation, viewed refugee protection to repair the social compact that had broken down—the end of state protection that allows for international surrogacy (Goodwin-Gill, 2008). This perspective explains why the Convention focuses on individual persecution. Still, it also reveals a structural flaw: it was never intended to include people forced to leave their homes due to non-human causes, such as climate change or environmental deterioration.

James Hathaway (2005) builds on this by advocating for a more rights-based approach to refugee law. Hathaway expands the Convention's scope to include situations of systematic human rights denial, but he sticks to the basic five grounds: race, religion, nationality, political opinion, or social group. This version maintains the Convention's original concept. The frameworks proposed by both scholars privilege anthropogenic causes of flight, making it difficult—if not impossible—to situate environmentally displaced individuals within the scope of refugee protection.

This theoretical lacuna has real consequences for countries like Bangladesh. When displacement is not driven not by direct persecution but by structural environmental collapse, neither Goodwin-Gill's nor Hathaway's paradigm provides legal redress. Jane McAdam (2012) correctly notes that the modern refugee regime has failed to adapt to “slow-onset” disasters and non-traditional causes of displacement. The absence of a persecutor, in classical terms, becomes a disqualifier—even when the harm is just as severe.

In the context of Bangladesh's low-lying coastal districts, where erosion and salinity are steadily displacing thousands, this legal silence is not an abstract concern. It reflects a foundational misalignment between theoretical legal protections and the realities of ecological vulnerability.

The Absence of Climate Refugees in the 1951 Refugee Convention

The limitations of the 1951 Refugee Convention are not accidental; they are the product of a particular historical moment. Drafted in the aftermath of the Second World War, the Convention reflects the political realities and fears of that era, not the contemporary threats posed by environmental collapse. It defines a refugee in terms that require an individualized fear of persecution—a legal standard that does not account for the collective, often indistinct forces that drive climate-induced migration (UNHCR, 2011).

Even recent attempts to interpret the Convention more expansively have met institutional and judicial resistance. For instance, in *Ioane Teitiota vs. New Zealand*, the Human Rights Committee acknowledged the existential danger posed by climate change to Kiribati's population but ultimately declined to extend refugee status in the absence of a persecutory nexus (UNHRC, 2020). These kinds of choices show how rigid the current system is: even when climate dangers are life-threatening, they do not meet the legal threshold for international protection.

The Cancun Adaptation Framework (UNFCCC, 2010) and the Global Compact for Migration (2018) are two examples of non-binding frameworks that have started to recognise the role of climate in displacement. Yet these instruments offer political commitments rather than enforceable rights. In this policy vacuum, states remain legally justified in denying entry or protection to climate-displaced individuals—even when their return may lead to statelessness or death.

For Bangladesh, this doctrinal failure is not peripheral—it is central. As rising seas inundate villages and river erosion continues to displace entire communities, there is no international legal mechanism to ensure cross-border protection. These individuals are rendered invisible, not because their needs are any less urgent, but because the legal system has not yet evolved to acknowledge them. The Convention, in its silence, upholds a form of legal exclusion that leaves millions unprotected.

Global South Perspectives on Environmental Justice

Within the Global South, climate displacement is framed not only as a humanitarian crisis but as a manifestation of historical injustice. This perspective challenges the dominant narratives that depoliticize climate impacts by presenting them as apolitical natural phenomena. In contrast, scholars and activists across the

Global South insist that climate vulnerability is deeply rooted in colonial histories, extractive economies, and asymmetrical global governance (Chakrabarty, 2021; Shiva, 2014).

This justice paradigm really speaks to people in Bangladesh. The country only contributes a tiny amount to global emissions, but it has to deal with a lot of problems, like flooding, agricultural loss, salt intrusion, and forced migration. Arturo Escobar (2008) noted that mainstream environmental rhetoric often leaves out the perspectives of people who are most affected, replacing local knowledge with technocratic management and resilience stories. Bangladesh's own adaptation strategies show this, as they often put building up infrastructure ahead of legally recognising displacement.

A justice-oriented approach alters the way we perceive the problem: climate-induced displacement is no longer merely a natural disaster but a failure of the global system in terms of law and morality. The climate issue is a violation of fairness and needs reparative responses instead of reactionary help (Islam and Winkel, 2017). This new perspective is crucial for Bangladeshi climate migrants. It shifts the focus from short-term assistance to long-term, rights-based protection, both in the US and globally.

This lens also demands that new legal frameworks reflect local realities, not imposed global templates. In practice, this would mean laws that centre they lived experiences of displaced communities, incorporate community participation, and hold historical emitters accountable.

Existing Literature on Bangladesh's National Migration and Disaster Laws

Bangladesh has taken meaningful steps in addressing the impacts of climate change, particularly through policy initiatives. Still, when it comes to legal protection for those displaced by environmental events, there remain significant gaps. One of the primary instruments, the Disaster Management Act of 2012, laid the foundation for institutional coordination and response planning. It focuses primarily on managing sudden-onset disasters—cyclones, floods, and similar emergencies (Ministry of Disaster Management and Relief, 2012). Yet it does not go far enough in addressing longer-term or irreversible forms of displacement. There are no provisions that offer legal recognition, rights, or protections for people who can no longer return to their homes due to permanent environmental degradation.

The National Adaptation Plan introduced in 2023 and projected to guide state responses through 2050, offers a more strategic, long-term vision. It outlines investment priorities in climate-resilient infrastructure and mentions community-based adaptation. However, the document is a policy instrument. It does not have the force of law. Because of

this, none of its provisions can be enforced in court. Importantly, it does not define climate-displaced persons, nor does it provide guidance on how the government might support internal relocation or safeguard their rights to housing, documentation, or access to services (Government of Bangladesh, 2023). Its strength lies in planning, not in rights protection.

These issues have been pointed out in academic literature. Ahsan and Warner (2014), for example, note that Bangladesh is highly exposed to climate risk but lacks any statutory protection for those displaced slowly over time. Without such legal instruments, many people fall through institutional cracks. Rahman and Gain (2020) echo this, emphasizing the absence of clear definitions or coordination mechanisms. They argue that when no agency is clearly responsible for displaced populations, the result is neglect, even when intentions are good.

Meanwhile, civil society has tried to fill the void. Groups like the Refugee and Migratory Movements Research Unit (RMMRU) have done fieldwork, tracked internal climate migration, and proposed frameworks that could guide future legislation. Their role has been important, but also limited. These efforts depend on project funding. They lack the permanence that only law can provide (RMMRU, 2022).

The literature is consistent on one point. Without legal recognition, the displaced remain vulnerable. Bangladesh may be proactive in climate adaptation planning, but that leadership has not yet translated into enforceable rights for those forced to move. Laws, not just policies, are needed to ensure that climate-displaced people are not forgotten.

RESEARCH METHODOLOGY

Doctrinal and Comparative Legal Method

The primary method used by this study to analyze things is doctrinal legal technique. The doctrinal technique facilitates a careful and systematic examination of legal materials, including international treaties, conventions, judicial decisions, and domestic statutes, to identify gaps in ideas, discrepancies in norms, and various ways to interpret them. When examining climate-related displacement in Bangladesh, this method enables us to systematically determine whether and to what extent displaced individuals align with current legal categories or if their exclusion is indicative of a broader doctrinal rigidity.

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are the main parts of the analysis. A detailed study of these documents, combined with official explanations from the United Nations High Commissioner for Refugees (UNHCR), reveals that the legal definition of "refugee" remains quite restrictive and does not encompass those who have been forced to leave their homes due to environmental collapse (UNHCR,

2011). The study examines how this exclusion is not merely an accident, but a doctrinal one rooted in ideas of state-based persecution that fail to account for slow-onset calamities and climate-induced displacement (McAdam, 2021).

The study also employs comparative legal analysis to examine how other regional systems have addressed types of non-traditional displacement. The Kampala Convention (2009) of the African Union and the Cartagena Declaration (1984) of Latin America are two examples of regional innovations that are examined. These tools do not directly address climate displacement. Still, they do help us comprehend forced movement in a broader context, including its impact on institutional violence, widespread insecurity, and environmental deterioration (Kälin, 2022). These examples are not intended to serve as templates; instead, they are designed to provide recommendations on how to interpret the law in a manner that applies to South Asia.

The doctrinal-comparative method is ideal for this paper's two objectives: to identify the reasons behind the current refugee law's shortcomings and to propose changes informed by Bangladesh's unique legal and environmental contexts.

Normative Textual Analysis of International and Domestic Instruments

The research employs a normative textual analysis of specific international and national law documents to determine the limits of legal protection for individuals forced to relocate due to climate change. This means not only figuring out what these papers say, but also how they convey it, what they leave out, and what assumptions underlie their structure.

The study examines the 1951 Refugee Convention and other human rights documents applicable worldwide, including the International Covenant on Civil and Political Rights (ICCPR). It also examines soft law initiatives, such as the Global Compact for Safe, Orderly, and Regular Migration (2018) and the Cancun Adaptation Framework (2010), which recognize climate-induced migration but cannot be enforced. By examining these texts to assess their legal weight, their evolution over time, and their potential impact on the formation of future treaties (UNFCCC, 2010; Global Compact, 2018).

The focus of the examination domestically is on Bangladesh's Disaster Management Act, 2012 and the National Adaptation Plan (2023–2050). Both treaties demonstrate that the state is aware of the environment's vulnerability, but neither establishes a legal framework for recognizing or protecting climate-displaced people. The examination focuses on the structural problems with these programs, such as the lack of clear definitions, binding requirements, and enforceable rights.

This layered legal interpretation helps demonstrate that protection gaps are not only practical but also inherent to the law's normative structure.

Embedded Case References: Satkhira and Bhola

This study does not employ primary fieldwork; however, it provides embedded case references from two climate-affected areas in Bangladesh—Satkhira and Bhola—to connect the legal analysis to real-life experiences. It chose these districts because they show different types of displacement: Satkhira for its slow-onset salinization and Bhola for its riverbank erosion that happens over and over again (Rahman, Gain and Das, 2021).

The use of these case references is not anecdotal but illustrative. They demonstrate how being legally invisible exacerbates the challenges of living on the fringes of society and the economy. In both cases, those who have been relocated typically lose their ID papers, cannot get government benefits, and do not have the legal status of being vulnerable. This real-world setting keeps the doctrinal critique grounded in reality, ensuring that the suggested reforms are not just ideas but also address the needs of communities already struggling with displacement and lack of legal assistance.

LEGAL AND POLICY CHALLENGES OF CLIMATE DISPLACEMENT

Exclusion of Climate Displacement from International Refugee Law

The current international refugee regime is structurally ill-equipped to address climate-induced displacement, not merely by omission but by design. The 1951 Convention Relating to the Status of Refugees centres on a definition prioritizing anthropogenic persecution above structural vulnerability. The criteria—race, religion, nationality, political viewpoint, or affiliation with a particular social group—establish a legal framework that marginalizes individuals whose relocation results not from overt animosity but from environmental deterioration.

This exclusion transcends mere technicality. It indicates a fundamental constraint in the writing environment of the Convention. Apprehensions over state-sponsored persecution and the disintegration of state protection drove the establishment of the Convention in the aftermath of the Second World War. It failed to foresee, and perhaps could not have, the rise of climate change as a displacing force that functions without a discernible perpetrator. Climate-induced displacement poses challenges for integration within a judicial system predicated on culpability.

Academics like James Hathaway have endeavoured to expand the Convention's parameters by highlighting chronic human rights violations as a catalyst for protection (Hathaway, 2005). However, he still bases

his extensive reading on the five fundamental principles. Jane McAdam argues that limiting climate displacement within legal frameworks not intended for such phenomena is crucial (McAdam, 2012). Her research indicates that the refugee regime's opposition to ecological assertions is conceptual and juridical. Judicial bodies have exhibited hesitance to redefine persecution to encompass environmental instability.

This opposition is manifest in legal precedents. The Human Rights Committee's 2020 ruling in *Teitiota vs. New Zealand* exemplifies advancement and limitation. The Committee recognized that climate change might potentially implicate the right to life as stipulated in Article 6 of the International Covenant on Civil and Political Rights. Nevertheless, it finally determined that the criteria for non-refoulement had not been satisfied. Despite facing environmental adversity, the applicant's return to Kiribati did not constitute an urgent threat (UNHRC, 2020). The ruling was a cautious beginning, although it was inadequate to alter the prevailing legal framework.

The principle of non-refoulement, while fundamental to refugee law, has not been definitively broadened to include climate-related damage. Its traditional invocation relates to threats posed by human agents—torture, persecution, or inhumane treatment. Whether environmental deterioration represents a comparable type of irreversible injury is still unresolved. Recent academic discourse advocates for an expanded understanding of non-refoulement, grounded in the principle of the indivisibility of rights under international law. Some argue that individuals should receive protection if returning to a climate-impacted area poses significant risks to their life or dignity. However, these arguments remain aspirational, devoid of solid theological foundations.

Concurrently, soft law tools have sought to address the normative gap. The Global Compact for Migration (2018) and the Cancun Adaptation Framework (2010) recognize the influence of climate change on human mobility. They promote data acquisition, skill enhancement, and strategic resettlement. However, these texts do not establish responsibilities. Their legal position is advisory rather than definitive. The outcome is a structure in which acknowledgment is present verbally but does not materialize into tangible protection.

Bangladesh is living in this legal void. It happens in coastal towns that are slowly losing people, riverine villages that have turned into temporary camps, and border areas where people move because they have to, not because they want to. The international protection framework often pushes people to the edges of society, causing displacement, as there is no precise legal classification in place. Their pain is real, but it holds no legal value.

Instead of changing the refugee status, we need to rethink the fundamental rules that govern migration in the face of environmental change. International law has viewed relocation from the perspective of persecution for over seventy years. The lens must now examine structural violence, which is not caused by countries but by decades of growth that have consumed a significant amount of carbon. Legal recognition can only be granted to individuals whose displacement is just as real but far less noticeable, according to existing norms.

Bangladesh's Climate Displacement Crisis: Legal and Social Implications

Bangladesh's situation highlights its vulnerability to environmental problems, its densely populated areas, and inadequate laws. A prime example of how current legal remedies are ineffective in addressing climate displacement can be found elsewhere. According to predictions, climate change could force more than 13 million people to relocate within the United States by 2050 (Rigaud *et al.*, 2018). However, the figures alone fail to convey the profound impact on communities as their homes, livelihoods, and social identities gradually crumble.

Bangladesh's displaced population faces a complex situation. In certain instances, the issue emerges unexpectedly following storms or flash floods. It may happen slowly, build up over time, and be difficult for outside observers to notice. Salinity intrusion in regions like Satkhira gradually reduces the soil's fertility, leading to economic displacement before any physical migration occurs. Riverbank erosion forces families in Bhola to relocate abruptly and frequently. Each time they move, their legal and social status is significantly weakened.

Legal answers to these complex challenges are often not enough. The Disaster Management Act, 2012 takes a progressive approach to making people more resilient to disasters, but it does not speak about moving people permanently or for long periods of time. It is largely about handling emergencies. It fails to provide displaced persons any legal rights or recognise that they need rights-based protection because they are displaced. In principle, the Act's institutional structure is strong, but it fails to penetrate deeply enough to address the social repercussions of relocation.

The National Adaptation Plan (NAP) 2023–2050 provides a broader policy framework. It focuses on infrastructure that can handle climate change, planning that takes risks into account, and adaptation that centres on the community. The NAP, on the other hand, is not legally binding. It fails to grant people rights that can be enforced or set up systems for holding people accountable. It is guidance, not a binding agreement that must be followed. As a result, it is unable to meet the specific needs of individuals who must relocate from agricultural areas with high salt content to the outskirts

of cities or from degraded riverbanks to government-provided shelters.

Institutional fragmentation intensifies this policy-legal disjunction. No governmental entity is solely responsible for the safeguarding of climate-displaced individuals. Ministries operate in isolation, and collaboration between crisis management and climate adaptation is insufficient. Displaced individuals must traverse a complex array of bureaucracies devoid of explicit entitlements. The lack of a coherent definition of climate displacement exacerbates the misunderstanding.

Civil society has intervened to record and advocate in areas where the state has failed. The Refugee and Migratory Movements Research Unit (RMMRU) have performed fieldwork in impacted regions, suggesting frameworks for legal acknowledgment. Their work underscores the necessity for documentation, service accessibility, and protection against secondary relocation. Nonetheless, their scientifically based proposals remain excluded from the official legal process. Without codification, they lack the requisite permanency for structural transformation (RMMRU, 2022).

Social ramifications necessitate further focus. Displacement significantly undermines both geographical affiliation and social and family connections. Women and children, already disenfranchised, are increasingly vulnerable to violence and hardship. Legal systems do not address these gendered implications. Furthermore, displacement often results in losing identity documents, restricting access to public services such as education and healthcare. The displaced effectively become invisible, both geographically and administratively.

Bangladesh faces a relocation dilemma that manifests both ecologically and legally. The existing policy responses lack a foundation in enforceable rights. Planning without legal recognition renders the displaced without avenues for redress and protection. What is necessary is an improved policy and a legal framework that recognizes climate displacement as a fundamental aspect of the Anthropocene rather than an anomaly. Until that transition occurs, millions will continue migrating—unnoticed, unshielded, and unrecorded.

Statelessness and Legal Invisibility in Climate Migration

The loss of a house due to climate change may not be the most pernicious effect, but rather the degradation of legal personality. In Bangladesh, people's legal identification documents are often lost due to frequent relocations, primarily caused by river erosion and rising sea levels. Birth certificates, national IDs, and land titles are all at risk when floods destroy homes or when relocation occurs without administrative support.

The concept of statelessness is often associated with individuals who have no recognized nationality. In the case of climate displacement, statelessness can happen not because a state takes away someone's nationality, but because they cannot get to the systems that provide or verify their legal identity. The term “de facto statelessness” captures this condition. People may technically be citizens, but without documents, they cannot exercise the rights that citizenship affords.

This condition is particularly acute among displaced communities in urban peripheries. After losing their homes, families often resettle informally, where state services are limited or absent. Without an address, they cannot reregister for lost IDs. Children grow up unregistered and excluded from school rolls and vaccination drives. Women, especially widows and single mothers, find it nearly impossible to claim land, access justice, or participate in public life.

The problem becomes even more acute when cross-border movement occurs. While large-scale climate migration in South Asia remains primarily internal, there are indications of environmentally driven migration across the Bangladesh-India border. In such cases, migrants face legal erasure on both sides. Denied entry on one side and documentation on the other, they risk existing outside all formal legal systems. This dilemma is not only a matter of legal status but also of basic dignity.

Bangladesh's legal system does not yet have mechanisms for preventing or remedying such statelessness. There is no dedicated procedure for issuing identity documents to the displaced. Nor is there a legal framework that treats climate displacement as a trigger for administrative protection. The absence of such frameworks violates domestic legal commitments and Bangladesh's obligations under the ICCPR and the Universal Declaration of Human Rights.

Legal invisibility is not incidental to displacement. It is an extension of displacement. People should not lose their place in law when they lose their homes. A legal system that fails to see the displaced contributes to their marginalization. Addressing statelessness in the context of climate change requires proactive legal measures: presumptions in favour of recognition, simplified documentation procedures, and mobile administrative outreach in high-risk areas. These are not just bureaucratic reforms. These reforms are legally necessary in a country where the distinction between displacement and disappearance is often blurred.

FUTURE PATHWAYS: LEGAL REFORM AND REGIONAL SOLUTIONS

Advancing Bangladesh's Leadership in the Global South

There is a certain moral clarity to Bangladesh's position in the climate crisis. The country has contributed insignificantly to global carbon emissions, yet it shoulders the burdens of a warming world—rising seas, eroding rivers, and disrupted livelihoods. This asymmetry is no longer theoretical. It is borne out, year after year, in data and lived experience. A claim—perhaps not entirely legal, but undeniably ethical—emerges for Bangladesh to assert a leadership role in reframing the global discourse on displacement.

That leadership has, to some extent, already begun. Bangladesh has been a consistent voice in international negotiations under the United Nations Framework Convention on Climate Change (UNFCCC). Notably, its participation in the Executive Committee of the Warsaw International Mechanism on Loss and Damage and contributions to the Task Force on Displacement have placed it among the few states willing to name displacement as a structural consequence of climate failure (UNFCCC, 2022). Still, the influence of these forums is uneven, and progress is slow. The state must go beyond procedural participation and begin shaping the normative vocabulary of these discussions—insisting, for example, that displacement be treated not as collateral damage, but as a foreseeable and preventable legal harm.

There is also an underutilized space for engagement within South-South diplomacy. Platforms such as the Climate Vulnerable Forum and the Group of Least Developed Countries, where Bangladesh has played an active role, offer leverage for rhetorical solidarity and coordinated legal innovation. Within these spaces, Bangladesh can—and should—advocate for regional recognition of climate-displaced populations, drawing attention to the specific forms of mobility that unfold in the Global South, often absent from Northern legal frameworks.

This is not simply about global advocacy. There is a deeper task: to produce legal thought from the South that is both responsive and generative. Bangladesh has the standing to pursue this, not because of economic might, but because of its credibility. It has already lived through what others fear. And in that lived experience lies the authority to speak, even uncomfortably, on the legal insufficiencies that currently structure global protection regimes.

Domestic Legal Reform: Toward a Climate Displacement Protection Act

The national legal response to climate displacement in Bangladesh remains fragmented. Despite multiple policy initiatives, including the Disaster Management Act, 2012 and the National Adaptation Plan

(2023–2050), there is no legislative instrument that grants legal status or rights to climate-displaced persons. As a result, displacement—especially when gradual or repetitive—is rendered invisible in law.

Any meaningful reform must begin with recognition. This means crafting a statutory definition of climate displacement that accounts for both sudden-onset disasters and slow-onset changes such as salinity intrusion, land subsidence, and water scarcity. The definition must also include not only physical relocation, but the erosion of habitability that forces migration in the absence of direct physical destruction.

What follows is the need for a dedicated legislative response. A proposed Climate Displacement Protection Act would need to move beyond relief and rehabilitation. It would need to frame displacement as a long-term rights issue. This includes legal identity—simplified processes for replacing lost documents, presumptions in favour of continuity in legal status even after relocation. Without this, displaced persons risk falling into the cracks of legal non-recognition.

But recognition is not sufficient without entitlements. The act must embed guarantees of relocation assistance, secure tenure in resettlement areas, and access to state services including education, health care, and social safety nets. This is not unprecedented. Bangladesh's Vulnerable Group Feeding and other targeted programs have shown that the state can deliver benefits to at-risk populations. What is needed now is a clear legal trigger—a status that activates those rights automatically for climate-displaced persons.

The implementation structure also matters. A law of this kind cannot function if it is simply nested within existing bureaucracies. It will require a specialized body—possibly under the Ministry of Disaster Management and Relief—with the mandate to oversee displacement mapping, manage relocation, and coordinate across ministries. This body should be given statutory authority and resourced accordingly.

The process of lawmaking itself must be participatory. Communities that have been displaced multiple times—those in Bhola, Satkhira, and Khulna—must be part of the drafting process. Too often, laws are produced for the displaced, not with them. A protection act that fails to incorporate lived experience risks entrenching the same exclusions it seeks to correct.

Regional Legal Framework: A SAARC Protocol on Climate Displacement

No South Asian state is immune to the consequences of climate change. All share, to varying degrees, exposure to floods, droughts, glacial melt, and rising temperatures. What is absent, however, is a shared legal response to displacement—particularly cross-border movement driven by environmental factors. The

South Asian Association for Regional Cooperation (SAARC), though institutionally dormant, remains the most viable platform for addressing this gap.

There is precedent for such cooperation. The 1984 Cartagena Declaration in Latin America expanded refugee definitions to include those fleeing generalized violence. More recently, the 2009 Kampala Convention established binding obligations on African Union states to protect persons displaced by natural disasters. Neither of these instruments deals specifically with climate displacement, but both demonstrate that regional cooperation on mobility is possible—and necessary.

A SAARC protocol need not—and likely should not—replicate the 1951 Convention model. It should reflect the realities of the region: porous borders, seasonal migration, informal economies, and overlapping vulnerabilities. A broader definition of displaced person, centred on loss of habitability or livelihood due to climate stressors, would provide a better fit. The protocol could also set out principles for temporary protection, documentation rights, and coordinated planning for relocation across borders.

This will require political will. But Bangladesh, as both the most exposed country and arguably the most experienced in dealing with displacement, is in a position to lead. The legal foundations for such a protocol would benefit from comparative models, but its legitimacy would rest on its responsiveness to regional needs.

A protocol would not solve displacement. But it would provide a legal language for addressing it and that—language, recognition, responsibility—is the beginning of protection.

CONCLUSION

Climate-induced displacement is no longer an impending concern for Bangladesh—it is an unfolding legal and human crisis. As sea-level rise, salinity, and erosion continue to uproot communities, the affected remain unrecognized in both international and national legal frameworks. This absence is not a mere oversight; it is a structural flaw embedded in the foundations of refugee law and reinforced by the doctrinal rigidity of existing instruments, such as the 1951 Refugee Convention (UNHCR, 2011; McAdam, 2021).

This study has shown that legal invisibility is not a secondary consequence of climate displacement but a central feature of its harm. The displaced do not fit into existing legal categories, not because their suffering is less real, but because the law has yet to evolve to meet the realities of ecological vulnerability. The Disaster Management Act of 2012 and the National Adaptation Plan (2023–2050) are examples of laws in Bangladesh that may show that institutions are aware of the problem, but they do not include protections that can be enforced.

They make plans but fail to safeguard them. They see risk but not rights.

The results of this study indicate that legal policy needs to undergo significant changes. It is essential to have a Climate Displacement Protection Act in Bangladesh to make sure that rights, duties, and recognition are clear. A SAARC protocol based on cross-border solidarity and ideas from the Kampala Convention is a practical way for countries in the area to work together legally. Both actions must be based on rights and be legally binding, not optional.

In the end, legal reform demonstrates moral clarity and enables the government to accomplish more. Bangladesh is both vulnerable and powerful, as it is at the forefront of climate displacement. That power can be used to transform the regional and international legal system, shifting the conversation from abstract ideas to tangible protections. Climate displacement is not merely a policy problem; it is a matter of justice. The law needs to change now because individuals who have been displaced cannot wait.

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