

Structural Gap in Human Rights Protection for Climate-Displaced Persons: A Case Study of Sudan

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ABSTRACT

This paper examines the inadequacy of the structure of international human rights laws and refugee laws in providing protection for climate displaced individuals, with the example of Sudan. Although climate change has been acknowledged as one of the main reasons for human movement around the world, environmental refugees are not protected under the 1951 Refugee Convention and its Protocol of 1967. Protection Gap for Four Categories of Persons Based on Conceptual Approach Using secondary data, the research seeks to identify the gap in the protection of political refugees, war refugees, economic refugees, and environmental refugees. This is especially true with the case of Sudan where climate change pressure combined with prolonged armed conflict and poor governmental capabilities results in complex forms of displacement which do not fit into the current definitions in international law. Based on human security and rights based approaches to the issue informed by the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966), this paper posits that the current legal framework dealing with refugees cannot cope with new mobility trends. Thus, there is a need for an alternative framework which will take into account rights of environmental migrants regardless of their refugee status.

Keywords: Climate Change, Displacement in Sudan, Human Rights, Legal Frameworks, Refugees

INTRODUCTION

Climate change has become an increasingly influential factor in human mobility, giving rise to the contested notion of “climate refugees” (Myers, 2002) and exposing a significant legal gap in the protection of those affected (Atapattu, 2020). The term first gained currency in the 1990s through Norman Myers’ work for the United Nations Environment Programme. As Bellizzi et al. (2023) observe, climate refugees can be described as “forgotten victims of climate change” because of the lack of available data on their movement. In recent decades, however, the term has been used with growing frequency as slow-onset phenomena such as droughts and sudden disasters such as floods have produced large-scale internal and cross-border migration.

Countries in the Global South are typically the most vulnerable to such disasters. Sudan, situated at the intersection of the Sahel and the Horn of Africa, offers a particularly instructive case (Ahmed et al., 2021). The country has been ravaged by recurrent armed conflict and is institutionally fragile. This dual crisis compels many individuals to leave their land in search of water, food, and basic security. According to the United Nations in Sudan (2024), more than 3.1 million people had crossed Sudan’s borders into neighbouring countries owing to political unrest and recurrent disasters, the majority of them Sudanese nationals. Despite the scale of environmentally driven displacement, refugee law remains largely silent on the rights of these individuals (Bellizzi et al., 2023). Many environmentally displaced persons consequently fall outside any legal framework that guarantees basic human rights, including education, healthcare, and lawful residence.

Climate displacement in Sudan is therefore characterised by overlapping environmental pressures, the persistent threat of armed conflict, and weak legal protection. Improved policy responses are needed to ensure protection for those displaced by climate change. This study contributes to ongoing debates on the relevance of international

refugee and human rights law to such multi-causal displacement by examining the situation of Sudanese persons who cross international borders under climate-related pressures. The Sudanese case is especially relevant because it illustrates the relationship between climate change, conflict, poverty, and weak governance, where climate change operates as a “threat multiplier” (Ahmed et al., 2021; Atapattu, 2020).

LITERATURE REVIEW

This section reviews the scholarly literature on climate change, displacement, and the inadequacy of human rights protection for climate-displaced persons. Climate change is increasingly understood not only as an ecological matter but also as a driver of migration and insecurity, particularly in regions of the Global South that are highly exposed to environmental stress (Atapattu, 2020; Ahmed et al., 2021). Scholars have noted that the interaction between climate-related pressures and political instability produces complex forms of displacement that current legislation does not adequately capture.

Climate as a Main Driver of Displacement

Scholarly debate on climate-induced displacement has evolved considerably over the past three decades. Myers (2002) was an early and influential voice, providing widely cited estimates of large-scale environmental displacement. His work helped place environmental migration on the global policy agenda. However, his estimates have been criticised for their generalised categorisations and deterministic assumptions, which fail to distinguish between voluntary migration and forced displacement. In response, Black (2001) argued that environmental factors rarely operate in isolation and that migration decisions are embedded in complex socio-economic and political arrangements.

Climate Change as a Threat Multiplier

Subsequent scholarship has reframed climate change as a threat multiplier rather than a stand-alone cause of displacement. Ahmed et al. (2021), in their study of Sudan, illustrate how climate stressors such as droughts and floods intersect with armed conflict to deepen vulnerability. Their analysis emphasises that environmental pressures fuel tensions over scarce resources and undermine pastoral livelihoods. McAdam (2020) similarly argues that environmental vulnerabilities cannot be analytically separated from questions of state capacity and governance. There is therefore a growing consensus that displacement analysis must move beyond purely environmental framings.

Legal Limitations

International refugee law remains anchored in the duties of states under treaty obligations. As Hathaway (2021) notes, the 1951 Refugee Convention and its 1967 Protocol continue to form the backbone of the international legal definition of a refugee and of the corresponding rights and protections. Other scholars have examined the historical foundations and limitations of this regime, arguing that it reflects Eurocentric assumptions and uneven application (Ballinger, 2025). Recent scholarship has also examined the dynamic interplay between refugee-law research and state practice, and the constraints that shape how protection is interpreted and applied (Byrne & Gammeltoft-Hansen, 2020). Central to the regime is the principle of non-refoulement, widely treated as a peremptory norm of international law that prohibits returning refugees to territories where their lives would be at risk (Momeni Rad & Habibi, 2024). Taken together, these contributions reveal how contested the boundaries of refugee law have become.

Although climate-induced migration has emerged as an important theme in academic debate, existing legal arrangements remain narrow in their treatment of climate displacement (McAdam, 2012). Atapattu (2020) argues that the 1951 Convention is ill-suited to environmentally driven movement because its definition of persecution does not encompass environmental harm; she therefore advocates a progressive interpretation of human rights law and the development of complementary protection mechanisms. Hathaway (2021), by contrast, cautions against expanding the refugee definition beyond its doctrinal boundaries, arguing that doing so risks undermining the coherence of international refugee law. The literature thus reveals a tension between legal development and legal coherence.

Human Rights Gaps

Beyond legal definitions, Bellizzi et al. (2023) argue that climate-displaced persons remain unrecognised victims because they fall outside the formal scope of refugee law. Their analysis identifies significant gaps in access to healthcare, education, and social services. Much of the existing literature, however, remains normative rather than empirical, with relatively few studies grounded in fieldwork or country-specific evidence.

Research Gap

Adam et al. (2025) examine how the convergence of climate-related drought and protracted conflict in Sudan deepens displacement, showing how governance failures and ecological stress jointly produce internal displacement and cross-border migration. While such studies illuminate macro-level dynamics, qualitative research on how Sudanese displaced persons themselves experience the inadequacy of protection in receiving states remains underdeveloped. This gap motivates further inquiry into the Sudanese case. The present study accordingly investigates the linkages between climate change, conflict, and human rights protection in Sudan.

Conceptual Framework

Introduction

This study employs a conceptual framework that distinguishes among the principal categories of displacement recognised in international law and policy. By examining the legal status of political, war, and economic displacement alongside the emerging category of climate-induced displacement, the framework draws out the structural protection gap that affects climate-displaced persons.

Political Refugees

Political refugees are individuals who leave their countries because circumstances threaten their lives, liberty, or wellbeing. This is the most clearly defined category in international law, encompassing persons who flee persecution on grounds of race, religion, nationality, membership of a particular social group, or political opinion. Their protection is governed by the 1951 Geneva Convention and its 1967 Protocol, which set out refugee rights and the corresponding state obligations, including the prohibition of refoulement (Hathaway, 2021).

War Refugees

War refugees are persons displaced by armed conflict and protracted violence within their countries. The category sometimes overlaps with that of political refugees, since political instability frequently underlies armed conflict. War refugees typically face acute humanitarian crises, and their protection draws on both international humanitarian law and refugee law (Hathaway, 2021).

Economic Migrants

The term “economic migrants” refers to persons who move from their home countries because of severe economic conditions, including poverty and unemployment. This category is not covered by the 1951 Convention. Some scholars argue, however, that economic migration carries risks comparable to those faced by recognised refugees and therefore warrants similar attention and protection (Betts, 2013; Bahar, Brough, & Peri, 2024).

Climate-Displaced Persons

More recently, scholarly and policy debate has identified another category of displaced persons, variously described as climate refugees or climate-induced migrants. The term refers to persons compelled to leave their homes because of environmental destruction or disaster. To reduce the legal ambiguity associated with the label “refugee,” some scholars prefer the term “climate-displaced person,” since these individuals do not fall within

the definition contained in Article 1 of the 1951 Convention (McAdam, 2012; UNHCR, 1951/1967). With the deepening impact of climate change, this population is expected to grow.

Climate-displaced persons include those who move because of sudden-onset events such as floods and earthquakes and those who move because of slow-onset processes such as drought, which gradually erode the conditions of life in their places of origin (Atapattu, 2020; McAdam, 2012). Unlike traditional refugees displaced by conflict or persecution, their movement is triggered by environmental disasters that render existing livelihoods untenable. Most scholars treat climate change as a threat multiplier that compounds pre-existing problems such as political instability and poverty (Ahmed et al., 2021). Climate-displaced persons therefore sit at the intersection of environmental harm and broader structural vulnerabilities, producing complex situations that the international refugee regime does not accommodate (Bellizzi et al., 2023). The overwhelming majority of those affected reside in the Global South, where climate variability has direct implications for farming and pastoralism (UNHCR, 2023).

Theoretical work on climate displacement has shifted from state-centred to human-centred perspectives. Human security theory, in contrast to traditional security paradigms, emphasises the safety of individuals rather than the territorial integrity of the state. Persons are considered secure only when they are protected from the chronic threats of hunger, disease, and environmental degradation (UNDP, 1994). This framing is particularly useful for analysing climate displacement because of its attention to food security, water availability, and livelihoods. Barnett and Adger (2007) further argue that climate change challenges established security paradigms by generating non-military threats that nevertheless force people to move.

The study also draws on a rights-based approach that treats displaced persons as rights bearers irrespective of their formal legal status (Atapattu, 2020). This approach grounds protection in international human rights law, particularly the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966), which guarantee rights to education, shelter, healthcare, and work. Whereas refugee law is status-based, human rights law is universal in scope. As McAdam (2012) argues, human rights law can therefore offer protection in cases of climate displacement that refugee law does not reach.

The framework adopted in this study thus distinguishes among political refugees, war refugees, economic migrants, and climate-displaced persons in order to expose the limitations of existing legal categories. The 1951 Convention defines political refugees as persons compelled to leave their country owing to a well-founded fear of persecution on protected grounds (Hathaway, 2021), and war refugees broadly fall within the same protective regime. Economic migrants, by contrast, are excluded because their movement is regarded as voluntary and economically motivated. Climate-displaced persons occupy a more ambiguous position: their movement is often involuntary and driven by environmental harm such as drought, floods, and soil erosion, yet it remains outside the scope of current law.

The Three-Layer Protection Gap: An Analytical Framework

Building on the above categorization analysis, this paper develops an innovative analytical framework called the Three-Layer Protection Gap that takes this comparison to the next level by overcoming its descriptive limitations. The Three-Layer Protection Gap model brings together the human security framework (UNDP, 1994; Barnett & Adger, 2007) and the human right-based perspective (Atapattu, 2020; McAdam, 2012). It then breaks down the protection gap in such a way that it reveals its three separate components, each corresponding to a specific form of legal-institutional exclusion and calling for a separate response. The framework developed here is a diagnostic tool that can be used in cases of climate displacement in any context; the application of the tool is presented below based on the Sudanese experience.

Layer 1: The Definitional Gap. The first layer relates to the categorization of climate-induced displacement and its exclusion from the binding definition of refugees in Article 1A(2) of the 1951 Refugee Convention. This article provides that only those who flee “persecution” for reasons of race, religion, nationality, political opinion, or membership of a certain social group shall be granted the legal status of refugee (UNHCR, 1951/1967; Hathaway, 2021). Since environmental problems cannot be equated with persecution, nor can climate

phenomena like drought or sea-level rise be viewed as targeting individuals based on any of the grounds mentioned above, the definitional gap results in the legal invisibility of climate displaced individuals.

Layer 2: The Doctrinal Gap. The second layer addresses the scope limitations of derivative protection measures based on human rights law. In its decision in *Teitiota v. New Zealand* (2020), the United Nations Human Rights Committee expanded non-refoulement duties in Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to climate change-induced harm. It held that environmental damage could indeed lead to non-refoulement obligations, albeit that the requirement for "real and personal risk of irreparable harm" was significant (McAdam, 2020; OHCHR, 2020). Yet, the ruling in no way established any binding right to entry. The doctrinal gap is therefore one in which there is a normative principle within human rights law but where operational criteria, evidence standards, and adjudication mechanisms have yet to be developed for slow-moving environmental impacts.

Layer 3: The Institutional Gap. Layer three involves the fragmented operational mandate of organizations tasked with humanitarian, environmental, and migration governance. While UNHCR, IOM, OCHA, Task Force on Displacement (UNFCCC), and Platform on Disaster Displacement deal with different parts of the climate-induced displacement crisis, none of them have a binding mandate over cross-border climate-induced displaced persons (Nansen Initiative, 2015; Platform on Disaster Displacement, 2024). Although the Global Compact on Refugees (United Nations, 2018) recognizes climate-driven factors in paragraph 8 and paragraph 63, the compact does not include any legally binding provisions and is merely voluntary. Thus, the institutional gap results from the lack of an actor with the necessary authority and operational capability to coordinate actions.

They are interlocking. First, a definitional exclusion at Level 1 means that there is no choice but to rely on the contingent and higher threshold doctrinal shields of Level 2, while the fragmented nature of Level 3 ensures that neither Level 2 nor Level 1 can be implemented at an effective scale. Closing one of the gaps, therefore, is essential but not sufficient, and sustained protection will require action at all three levels simultaneously. In Section 5, the model is applied to Sudan, where the existence of each level can be seen in the concrete experiences of displaced persons.

RESEARCH METHOD

The study adopts a qualitative case study methodology, which is well suited to situations in which the boundary between phenomenon and context is blurred (Yin, 2018). Climate-induced displacement in Sudan is multi-causal, involving environmental pressures, civil conflict, and limited state capacity, and therefore demands a contextual analysis. More precisely, the research design is in line with Yin's (2018) instrumental logic of case selection: Sudan is not seen as a representative case, but rather as a critical one where the convergence of climate pressure, conflict, and state incapacity highlights the structure of the protection gap. Interpretivism serves as the methodology employed, with recourse to three groups of sources. The first group includes primary documents such as the 1951 Refugee Convention, the 1967 Protocol of the Refugee Convention, the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966), and the Kampala Convention (2009). The second group is composed of treaty body and quasi-judicial products like the United Nations Human Rights Committee judgment in *Teitiota v. New Zealand* (2020), Nansen Initiative Protection Agenda (2015), and the Global Compact on Refugees (2018). Finally, the third group consists of operational displacement data from IOM Displacement Tracking Matrix (DTM) Sudan series and UNHCR situation reports, which covers the period of April 2023 – September 2025. The inclusion criteria for the academic literature include: (i) being peer-reviewed; (ii) having thematic connection with climate-induced displacement, refugee laws, and Sudan; and (iii) being published from 2000 to 2025, giving preference to literature published after 2015 to reflect post-Nansen/post-Global Compact period. The exclusion criteria included deleting opinion pieces that were not peer-reviewed, literature that was published more than 25 years back unless used for defining doctrine, and non-English literature. This strategy is appropriate for generating context-specific insights, particularly in fragile and conflict-affected states (Creswell & Poth, 2024; Cohen & Arieli, 2011).

Analysis-wise, qualitative document analysis was done using Bowen's (2009) guidelines. The document was thematically analyzed according to three pre-existing categories based on the Three-Layer Protection Gap

framework developed in Section 3.6, namely, (i) definitional exclusion as proof of categorical non-recognition under refugee law; (ii) doctrinal limitation as proof of high evidentiary thresholds and low enforcement potential under human rights law; and (iii) institutional fragmentation as proof of mandate gaps, coordination difficulties, and non-binding governance mechanisms. Cross-coding was performed to look for cases where all three layers interacted within the Sudanese setting. The triangulation technique was used to compare the operational statistics of the IOM and UNHCR with scholarly analyses, thus avoiding the possibility of source bias in conflict zones (Cohen & Arieli, 2011).

However, the approach had certain shortcomings. It was impossible to conduct primary research on-site due to the ongoing conflict in Sudan which started on 15 April 2023; thus, only remote operational data and secondary sources of information have been used to complete the research. As a means to partially address this problem, the IOM DTM data from the network of local enumerators, considered the most trustworthy source of up-to-date data about displacements in Sudan (IOM, 2025), were used for the analysis.

DISCUSSION

Sudan is among the countries of the Sahel and Horn of Africa most exposed to climate extremes (Adam et al., 2025). The country faces what has been described as a double crisis: ongoing armed conflict combined with recurrent disasters that have produced one of the most severe humanitarian situations in the world (Adam et al., 2025). Recurring droughts, floods, and unseasonal rainfall undermine agricultural production. Climate-driven mobility in Sudan is further intensified by protracted political instability and limited international intervention, fuelling disputes over resources as well as internal and cross-border movement. As a result, those affected are difficult to classify cleanly as internally displaced persons, refugees, or climate migrants (Ahmed et al., 2021). United Nations reporting confirms that Sudanese people are compelled to move for multiple, overlapping reasons and that neighbouring countries have absorbed large numbers of them (United Nations in Sudan, 2024).

The absence of international recognition leaves persons who cross borders under climate-related pressures in a precarious position, since they tend to be treated as irregular migrants and therefore as ineligible for refugee protection. This affects their access to legal residence, education, healthcare, and employment. From a human rights perspective, the lack of recognition of climate-induced cross-border movement undermines individuals' ability to exercise basic rights, including the rights to life, education, housing, and health (United Nations, 1948, 1966). As of December 2024, more than 2.7 million Sudanese had been forced to flee to neighbouring states, including Chad, South Sudan, Egypt, Ethiopia, and the Central African Republic (UNHCR, 2024).

Recent figures from operational statistics help paint a clearer picture and highlight the magnitude of the structural protection gap. As per the IOM Displacement Tracking Matrix, an estimated 9.58 million people displaced within their own country in all 18 Sudanese states were reported as of 30 September 2025, whereas roughly 4.3 million people have entered neighboring countries following the resumption of conflict that began from 15 April 2023 (IOM, 2025). Geographic location matters significantly, since the three regions with the highest IDP numbers are South Darfur (19%), North Darfur (18%), and Central Darfur (10%) – areas in which long-standing climate-induced conflict has been linked to drought, desertification, and grazing conflict (Adam et al., 2025; Ahmed et al., 2021). The Tawila site in North Darfur had displaced almost three times the number of people who were displaced in March 2025 to a total of 652,079 IDPs by September 2025 (IOM, 2025). Displacement is not just caused by conflicts, as demonstrated by the displacement caused by floods in September 2025, which amounted to twelve cases and displaced an estimated 9,540 people in the Aj Jazirah, Gedaref, South Darfur, Red Sea, and North Darfur States regions.

Analyzing the situation from the perspective of the three-layer protection gap model offers insight into the way each layer is embodied in the case of Sudan. With respect to the definitional layer, the 4.3 million Sudanese who left their country following April 2023 are officially considered “refugees” based on conflict reasons in receiving countries like Chad and South Sudan, while those whose departure was motivated by a drought-driven agricultural crisis fall outside the scope of any official definition (UNHCR, 2024). This group of people is acknowledged as humanitarian migrants but not as refugees. Regarding the doctrinal layer, the high bar set at the “real and personal risk” Teitiota test of ICCPR Article 6 makes it exceedingly challenging for applicants seeking non-refoulement protection (McAdam, 2020). In terms of institutions, even though Sudan is a signatory

to the Kampala Convention, which explicitly addresses individuals who have been displaced due to “natural or human-made disasters, including climate change” (African Union, 2009, art. 5(4)), the implementation process has been hampered by conflict and inadequate government capabilities (Adeola, 2020; UNHCR, 2024). Consequently, all three levels fail concurrently, such that Sudanese individuals affected by climate change are not recognised, protected, and served.

Humanitarian needs among the displaced cross-border population are pressing. Many Sudanese end up in overcrowded camps with insufficient assistance and limited legal remedies, increasing exposure to trafficking, poverty, and social marginalisation (UNHCR, 2024). The combination of conflict-related and climate-related risks heightens the likelihood that climate-driven displacement will continue to grow. As scholars emphasise, the absence of fit-for-purpose legal instruments will only widen the protection gap as the effects of climate change deepen (Atapattu, 2020; Hathaway, 2021). The Sudanese case therefore illustrates the urgent need to revise international legal frameworks so that they respond to a phenomenon that increasingly violates human rights.

Anchoring the discussion in international human rights instruments such as the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966) provides a normative basis for the argument that climate-displaced persons should have access to basic necessities regardless of their formal refugee status. Such a grounding can also help shape ongoing debate on climate change and shared international responsibility (Bellizzi et al., 2023; Atapattu, 2020).

Policy Implications

The findings underscore the need for policy responses that close the widening gap between existing refugee protection and the realities of climate-induced displacement. At present, international law does not recognise climate-related factors as valid grounds for refugee status. Policymakers must therefore take account of new transboundary risks when designing protection frameworks for climate-displaced persons, ideally without requiring radical changes to the existing legal definition of a refugee. Coordination across environmental, humanitarian, and migration policy domains is essential to develop region-specific responses, particularly in the Sahel and Horn of Africa where Sudan is situated.

Following the Three-Layer Protection Gap model, the following five specific proposals are suggested, which directly address the three layers of failure noted above. These proposals have been made based on existing legal and institutional examples, ensuring their practicality within the current international system.

Firstly, to address the definitional gap, states should establish complementary protection status for climate displaced people, following the Temporary Protection Directive of the European Union and subsidiary protection statuses that exist in certain national regimes. This protection status will ensure non-refoulement and socio-economic rights without changing the 1951 Convention, thus maintaining the coherence of international refugee law doctrine (Atapattu, 2020; Hathaway, 2021).

Secondly, with respect to the doctrinal deficiency, the Human Rights Committee of the United Nations, as well as regional human rights agencies, need to provide interpretive guidelines which reduce the burden of proof set out in *Teitiota v New Zealand* (2020) for instances of slow-onset environmental impacts. This could be achieved by issuing a General Comment which recognises that there can be instances where generalised environmental degradation satisfies the “real risk” requirement, subject to a scientific assessment of such claims, under ICCPR Article 6 (McAdam, 2020). The *Daniel Billy* case of 2022, where the Human Rights Committee found Australia’s violation of Articles 17 and 27, shows this is happening already.

Thirdly, in order to address the institutional lacuna at the regional level, the African Union must implement another protocol to the Kampala Convention to include cross-border climate-displaced people in Africa within the ambit of protection under the convention. This is because the Kampala Convention, which is unique to the world and binding, is the only regional convention that covers climate-induced internal displacement (African Union, 2009; Adeola, 2020).

Fourth, filling the institutional void, the IGAD must implement paragraph 63 of the Global Compact for Refugees via a Sub-Regional Free Movement Protocol that incorporates climate-related displacement. The IGAD Free Movement Protocol, adopted in 2020, is partially a model for such an initiative; adding a climate displacement annex to it will make it a binding agreement with actionable content in Sudan, Ethiopia, South Sudan, Kenya, Uganda, Djibouti, Eritrea, and Somalia (Platform on Disaster Displacement, 2024; UN, 2018).

Fifth, in regard to coordination in operations, countries in the Sahel and Horn of Africa regions must develop legislation at the national level that reflects the provisions of the Nansen Initiative Protection Agenda (Nansen Initiative, 2015) and is based on the recommendations of the Platform on Disaster Displacement. Specifically, such legislation will have provisions for a lead agency, humanitarian visa classification for those affected by disasters associated with climate, and predictability of funds through climate finance frameworks within the United Nations Framework Convention on Climate Change. Legislation of this nature offers the best option in terms of implementation in the short term for Section 3 commitments.

The above five recommendations are interlocking. Complementary status (Recommendation 1) provides the categorical status that the Convention on the Status of Refugees of 1951 denies; interpretation of non-refoulement (Recommendation 2) turns a norm into a doctrine; Kampala Protocol and IGAD Instrument (Recommendations 3 and 4) develop the regional institutional structure; and the national legislative framework (Recommendation 5) provides for the operationalisation of the higher structures into the national context. Collectively, these five recommendations represent a graduated approach to the protection gap revealed by the Sudanese case.

Limitations

The study has several limitations. First, the concept of “climate refugee” is neither legally recognised nor incorporated into the international refugee regime, producing definitional ambiguity and analytical challenges (Grześkowiak, 2024; Hathaway, 2021). Second, environmental degradation, armed violence, and political-economic crises in Sudan are co-causal, which makes it difficult to isolate climate change as the sole driver of cross-border movement (Ahmed et al., 2021). Third, comparative empirical evidence on climate-induced and conflict-induced migration is limited, and disaggregated data on Sudan in particular remain scarce (Bellizzi et al., 2023; UNHCR, 2023).

In addition, the study focuses primarily on cross-border displacement and gives less attention to internally displaced persons, even though internal movement is a substantial component of climate-related mobility. The political and environmental situation in Sudan is also rapidly evolving, and future trajectories may diverge from the patterns documented here.

CONCLUSION

This paper has examined the growing gap between the international legal framework for refugee protection and the lived realities of climate-related displacement. The current regime protects those who flee persecution and conflict, but its treatment of persons displaced by environmental harm remains inadequate. The Sudanese case shows how climate change interacts with regional instability to produce overlapping forms of displacement that defy existing legal categories. The result is a structural inequality in human rights protection, in which climate-displaced persons fall short of the safeguards available to other displaced populations. The main analytical insight of this study is the Three-Layer Protection Gap approach, which decomposes the failure of climate-displacement protection into definitional, doctrinal, and institutional layers and which is generalizable to other contexts than Sudan with similarly complex mobility dynamics. In terms of empirical validation, new IOM and UNHCR data prove that the magnitude of Sudanese displacement, numbering 9.58 million IDPs and 4.3 million cross-border migrants by mid-2025, exceeds the scope of interpretive patchwork solutions. Addressing this gap requires more than legal adjustment: it calls for an expansion of the scope and application of international protection so that climate-displaced persons are recognised as rights bearers and supported as such.

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REFERENCES

1. Adam, S. A. Y., Mohamed, A., Suleiman, I., Akintunde, D., Dawood, I., & Badri, R. (2025). Between conflict and climate: How drought deepens displacement in war-torn Sudan. *International Health*, ihaf144.
2. Adeola, R. (2020). Protecting climate change-induced internally displaced persons in Africa: Relevance of the Kampala Convention. In W. Leal Filho (Ed.), *Handbook of climate change resilience* (pp. 1–15). Springer.
3. African Union. (2009). African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). African Union. Adopted 23 October 2009; entered into force 6 December 2012.
4. Ahmed, A., Mohamed, N. S., Siddig, E. E., Algaily, T., Sulaiman, S., & Ali, Y. (2021). The impacts of climate change on displaced populations: A call for action. *Journal of Climate Change and Health*, 3, 100057.
5. Atapattu, S. (2020). Climate change and displacement: Protecting ‘climate refugees’ within a framework of justice and human rights. *Journal of Human Rights and the Environment*, 11(1), 86–113.
6. Bahar, D., Brough, R. J., & Peri, G. (2024). Forced migration and refugees: Policies for successful economic and social integration (NBER Working Paper No. 32266). National Bureau of Economic Research.
7. Ballinger, P. (2025). Historical foundations and limitations of international refugee law. *Annual Review of Law and Social Science*, 21, 285–305.
8. Barnett, J., & Adger, W. N. (2007). Climate change, human security and violent conflict. *Political Geography*, 26(6), 639–655.
9. Bellizzi, S., Popescu, C., Panu Napodano, C. M., Fiamma, M., & Cegolon, L. (2023). Global health, climate change and migration: The need for recognition of ‘climate refugees’. *Journal of Global Health*, 13, 03011.
10. Betts, A. (2013). *Survival migration: Failed governance and the crisis of displacement*. Cornell University Press.
11. Black, R. (2001). Environmental refugees: Myth or reality? *New Issues in Refugee Research*, Working Paper No. 34. UNHCR.
12. Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative Research Journal*, 9(2), 27–40.
13. Byrne, R., & Gammeltoft-Hansen, T. (2020). International refugee law between scholarship and practice. *International Journal of Refugee Law*, 32(2), 181–199.
14. Cohen, N., & Arieli, T. (2011). Field research in conflict environments: Methodological challenges and snowball sampling. *Journal of Peace Research*, 48(4), 423–435.
15. Creswell, J. W., & Poth, C. N. (2024). *Qualitative inquiry and research design: Choosing among five approaches* (5th ed.). SAGE Publications.
16. Grześkowiak, M. (2024). Empirical consequences of normative inadequacies: The principle of temporary refuge and protection gaps. *Journal of International Migration and Integration*, 25(2), 573–594.
17. Hathaway, J. C. (2021). *The rights of refugees under international law* (2nd ed.). Cambridge University Press.
18. International Organization for Migration. (2025). DTM Sudan mobility update (22): September monthly report. International Organization for Migration. <https://dtm.iom.int/sudan>
19. McAdam, J. (2012). *Climate change, forced migration, and international law*. Oxford University Press.
20. McAdam, J. (2020). Protecting people displaced by the impacts of climate change: The UN Human Rights Committee and the principle of non-refoulement. *American Journal of International Law*, 114(4), 708–725.

21. Momeni Rad, A., & Habibi, M. (2024). The principle of non-refoulement: A customary rule or an emerging peremptory norm in international law. *Legal Studies in Digital Age*, 3(2), 1–9.
22. Myers, N. (2002). Environmental refugees: A growing phenomenon of the 21st century. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 357(1420), 609–613.
23. Nansen Initiative. (2015). *Agenda for the protection of cross-border displaced persons in the context of disasters and climate change* (Vol. 1). The Nansen Initiative.
24. Office of the United Nations High Commissioner for Human Rights. (2020, January 21). Historic UN Human Rights case opens door to climate change asylum claims [Press release]. OHCHR. <https://www.ohchr.org/en/press-releases/2020/01/historic-un-human-rights-case-opens-door-climate-change-asylum-claims>
25. Platform on Disaster Displacement. (2024). Our response: Cross-border displacement in the context of disasters and climate change. Platform on Disaster Displacement. <https://disasterdisplacement.org/>
26. Teitiota v. New Zealand, Communication No. 2728/2016, U.N. Doc. CCPR/C/127/D/2728/2016 (Human Rights Committee, 7 January 2020).
27. United Nations. (1948). Universal Declaration of Human Rights. United Nations.
28. United Nations. (1966a). International Covenant on Civil and Political Rights. United Nations.
29. United Nations. (1966b). International Covenant on Economic, Social and Cultural Rights. United Nations.
30. United Nations. (2018). Global Compact on Refugees (UN Doc. A/73/12 (Part II)). United Nations.
31. United Nations Development Programme. (1994). *Human development report 1994*. Oxford University Press.
32. United Nations in Sudan. (2024, October 29). Displacement in Sudan crosses 11 million as devastating crisis reaches new heights: IOM chief. <https://sudan.un.org/en/282447>
33. UNHCR. (1951/1967). Convention relating to the status of refugees and its 1967 protocol. United Nations High Commissioner for Refugees.
34. UNHCR. (2023). *Global trends: Forced displacement in 2022*. United Nations High Commissioner for Refugees.
35. UNHCR. (2024). *Sudan situation: Regional refugee response*. United Nations High Commissioner for Refugees.
36. Yin, R. K. (2018). *Case study research and applications: Design and methods* (6th ed.). SAGE Publications.