

MITIGATING CLIMATE-INDUCED DISPLACEMENT IN THE ASEAN REGION

AUTHOR – ARCHIT MAHAJAN, STUDENT AT SCHOOL OF LAW, CHRIST (DEEMED TO BE UNIVERSITY)

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ABSTRACT

The ASEAN region is facing a growing problem of people being forced to leave their homes due to climate change. Rising sea levels, natural disasters, and environmental damage are all contributing to this issue. There are already plans in place, such as the ASEAN Agreement on Disaster Management and Emergency Response, that help people right after a disaster. However, these plans don't do enough to protect people who have been displaced in the long run. Also, international laws about refugees don't cover people who are forced to leave their homes because of climate change, which means these people are not getting the help they need. This is a major problem because it leaves affected communities without clear legal protection. This research examines how India's Act East Policy can be leveraged to address these gaps by fostering regional cooperation, advancing human security, and promoting climate resilience. Using a qualitative, analytical approach that draws on case studies, policy analysis, and judicial precedents, the study evaluates ASEAN's limitations and explores India's potential role in shaping solutions. It proposes actionable measures, including binding agreements, livelihood programs, and capacity-building initiatives, concluding that aligning the Act East Policy with climate justice imperatives can strengthen regional resilience and safeguard human security.

Keywords - Climate-Induced Displacement; ASEAN; Human Security; Regional Resilience; Act East Policy; Climate Justice; International Refugee Law; AADMER; Climate Migrants; India-ASEAN Cooperation.

CHAPTER 1: Introduction

Climate change today represents a defining global crisis, threatening not only ecosystems and economies but also the very foundations of human security. Rising sea levels, intensifying storms, prolonged droughts, and resource depletion are increasingly forcing communities to migrate in search of safety and survival. Unlike traditional forms of migration, climate-induced displacement is often involuntary, sudden, and without the safety net of international legal protection. Nowhere is this more critical than in the ASEAN region, which hosts some of the world's most climate-vulnerable populations. Coastal settlements in Indonesia, the Mekong Delta in Vietnam, and the

lowlands of Myanmar are already experiencing the adverse effects of environmental degradation and displacement, underscoring the urgency of regional solutions.

ASEAN's systems for dealing with problems are not strong enough when it comes to helping people who have to leave their homes because of climate change. There are some rules, such as the ASEAN Agreement on Disaster Management and Emergency Response, that help countries work together to reduce disaster risk, but they don't do enough to support people who have been displaced. For example, they don't give people the right to be resettled, to have their livelihoods protected, or to receive long-term help rebuilding their lives. The ASEAN

Human Rights Declaration, adopted in 2012, offers some basic protections for human rights, but it's not a binding law, and it lacks any mechanism to enforce its provisions. This means that people who have to migrate due to climate change are left without clear legal protections.

As India strengthens its ties with ASEAN through the Act East Policy, covering areas like trade, connectivity, and security, there's a notable gap in using this policy to tackle non-traditional security threats, especially those related to climate change, such as displacement.

Statement Problem

Climate-induced displacement is a growing humanitarian and security challenge in ASEAN. Existing governance mechanisms are fragmented, non-binding, and inadequate to protect displaced populations. International refugee law does not recognize "climate refugees," leaving millions without legal status or rights to resettlement. ASEAN's reliance on consensus-based decision-making and its principle of non-interference further impedes decisive collective action.

When people are forced to leave their homes because of climate change, it can cause big problems for them and the communities they move to. They might not be able to work, go to school, or get the medical care they need. The communities that take them in can also struggle with too many people using the same roads, schools, and hospitals. If we don't do something to help, it could lead to even more serious issues, such as fighting, unfair treatment, and disagreements between countries. This is a really important issue that needs to be addressed to keep everyone safe and happy.

India's Act East Policy aims to work with other countries in the region, but it hasn't been used enough to help people affected by climate change. There's a significant gap in research and policy on how to connect the Act East Policy with the issue of displacement caused by

climate change. This study examines how India can shift its approach to working with other countries in the region to incorporate climate justice, thereby helping address humanitarian crises and making the region more stable. By doing this, India can play a larger role in addressing the challenges posed by climate change, such as helping people who must leave their homes due to rising sea levels or extreme weather. This can also help India build stronger relationships with its neighbors and make the region as a whole more secure.

Research Methodology

- Policy Analysis – Examining ASEAN treaties, declarations, and disaster management frameworks, as well as India's Act East Policy documents.
- Case Studies – Focusing on particularly vulnerable regions such as Indonesia's coastal areas, Myanmar's lowlands, and Vietnam's Mekong Delta, to illustrate the realities of displacement.
- Comparative Analysis – Drawing lessons from global practices, such as Pacific Island resilience strategies and EU migration policies.
- Doctrinal Legal Research – Analysing statutes, declarations, and case law (e.g., *Teitiota v. New Zealand*, *Leghari v. Pakistan*, *Oposa v. Factoran*) to evaluate legal obligations.
- Secondary Sources – Using academic literature, think tank reports, and peer-reviewed articles to complement primary sources.

Research Questions

- **How does climate change contribute to displacement in the ASEAN region, and what are its socio-economic and human security implications?**
- **To what extent are ASEAN's existing legal and institutional frameworks adequate in addressing climate-induced displacement?**
- **How can India's Act East Policy be strategically aligned with climate**

justice and human security imperatives in ASEAN?

- **What policy innovations and cooperative mechanisms are needed to create durable protection and resilience for climate migrants in the region?**

Research Objectives

- **To analyse the socio-economic and geographic impacts of climate-induced displacement in ASEAN.**
- **To evaluate the adequacy of existing ASEAN legal and institutional frameworks for protecting climate migrants.**
- **To investigate the potential of India's Act East Policy in addressing non-traditional security challenges such as displacement.**
- **To propose actionable policy recommendations, including binding agreements, livelihood initiatives, and capacity-building measures, aimed at advancing human security and resilience.**

CHAPTER 2: Literature Review

Introduction

Climate change is forcing people to leave their homes, and this is where international law, regional governance, and human security all come together. Even though people have recognized the problem, the laws and institutions that address it are still not well-connected. This review of the literature examines the main sources of law, including rules and laws in ASEAN and India, as well as court cases that have addressed climate change and displacement. It also considers other sources, such as what academics and think tanks have written and policy analyses.

Primary Sources

International and Regional Instruments

The ASEAN Human Rights Declaration, adopted in 2012, acknowledges basic rights, such as the rights to life, security, and dignity. However, it's

not legally binding, and many critics argue that it lacks the mechanisms needed to enforce these rights.

The Paris Agreement, signed in 2015, addresses people's displacement due to climate change, and it led to the creation of a task force to investigate this issue. This is a good start, but it doesn't mean countries have to recognize these people as a special group with their own set of rights. The Global Compact for Migration, agreed upon in 2018, provides guidance on how to handle migration, but it's not a rule that countries have to follow, so it doesn't have a significant impact in practice. As a result, people who are forced to move because of climate change are still not protected by international law in a meaningful way. This is a problem because climate change is getting worse, and more people will have to leave their homes, so we need to find a way to help them. The current situation is not fair to these people, and we need to do something to change it.

National Constitutional and Statutory Provisions

In Southeast Asia, many countries have laws that protect the environment, which can also help people who are forced to leave their homes. For example, the Philippines has a constitution that guarantees the right to a healthy environment. This is stated in Article II, Section 16 of the Constitution of the Philippines from 1987. Because of this law, courts have been able to make decisions that favor the environment in important cases like *Oposa v. Factoran*.

This shows that having strong environmental laws can make a big difference in protecting people and the planet. In Indonesia, there's a law that deals with disasters and how the country should handle them. This law, known as Law No. 24/2007, states that the state is responsible for reducing disaster risks, protecting communities, and helping them recover after a disaster. The law has specific rules, outlined in articles 33 to 37, about what should happen after a disaster to help people

recover. However, these rules don't specifically address what to do when people have to move to another country due to a disaster or climate change.

Judicial Precedents

Courts in many countries are now being asked to address the relationship among climate change, human rights, and people forced to leave their homes. The decisions made in these cases are very important because they show how the law is changing in areas that affect both ASEAN and India.

A big decision was made in the case of Teitiota v. New Zealand. This case was about a man from Kiribati who wanted to stay in New Zealand because his home island was in danger due to rising sea levels. He was scared for his life and felt unsafe. The UN Human Rights Committee looked at his case, but they didn't agree that he could stay in New Zealand just because of climate change. However, they did say something important: countries can't send people back to their home countries if climate change is putting their lives in danger. This decision sets a standard for how we think about people forced to leave their homes because of climate change, even if there aren't yet strict laws governing it. It's a big step forward in recognizing that climate change can cause people to have to leave their homes and that we need to consider their safety. The Philippines made a big decision in 1993 that would change how we think about the environment.

In a court case called Oposa v. Factoran, the Supreme Court said that people have the right to a healthy and balanced environment, not just for now, but for future generations too. This means that we have to think about how our actions today will affect the planet tomorrow. The court's decision was a major milestone in linking human rights to environmental protection, showing that courts can play a key role in shaping how we deal with climate change. It's an important example of how countries can use their laws to protect the

planet and ensure a sustainable future for everyone.

The Lahore High Court made a big decision in the Leghari v. Federation of Pakistan case back in 2015. They told the government to start using its plan to adapt to climate change, which is a major issue. The court said that climate change is a violation of basic human rights, like the right to live and be treated with dignity. This case is really important because it shows how courts in countries that are still developing can push their governments to take action on climate change and make their communities more resilient. It's a great example of how the legal system can help protect people's rights and the environment at the same time.

Ashgar Leghari v. Federation of Pakistan (2018 follow-up): The court created a Climate Change Commission to oversee implementation. This judicial innovation is instructive for ASEAN, where weak enforcement remains a key barrier.

The Urgenda Foundation's court case against the Netherlands in 2019 is a significant one, even though it took place outside of Asia. What's important about this case is that the Dutch Supreme Court told the government it had to reduce its emissions, and it did so by saying that taking action on climate change is a basic human right. This shows that lawsuits can be a powerful tool for making sure countries do what's right when it comes to climate change, and it could have a big impact on the global fight for climate justice. These cases show that courts are increasingly seeing climate change as a threat to human rights and security. But in Southeast Asia, most countries, except for the Philippines, have been slow to act, mainly because of political pressures in the region.

Secondary Sources

From India's perspective, S. D. Muni (2011) and C. Raja Mohan (2015) have analyzed the Act East Policy as a strategic tool for connectivity and security. Yet, there is little literature connecting this policy to climate resilience. Most works treat Act East as a geopolitical strategy vis-à-vis

China rather than a human security instrument. This represents a major research gap that this study addresses.

CHAPTER 3: Climate-Induced Displacement in ASEAN

Introduction

The ASEAN region is really vulnerable to climate change. We're already seeing the effects - sea levels are rising, cyclones are getting stronger, droughts are lasting longer, and rainfall patterns are changing. This is forcing millions of people in Southeast Asia to leave their homes. In fact, the Asian Development Bank says that by 2050, over 40 million people in the region might have to move because of climate change.¹⁴⁵ This kind of movement is different from when people choose to migrate - it's often sudden, forced, and causes a lot of instability. It raises big questions about human rights, who's in charge, and how to keep the region safe. Since ASEAN relies so heavily on farming and fishing, and many people are moving to cities in low-lying coastal areas, the risks are even greater. So, climate displacement in this region isn't just an environmental problem - it's a human security crisis that affects the economy, food, and how governments work. It's a complex issue that needs to be addressed in a comprehensive way.

Drivers of Climate-Induced Displacement

Sea-Level Rise and Coastal Erosion

Indonesia, which is made up of many islands, is dealing with some big problems because of the rising sea levels. Jakarta, a huge city with over 10 million people, is actually sinking, and it's not just because of the sea levels rising - the land itself is also subsiding.¹⁴⁶ This has already forced many people who live in coastal areas to move further inland. The government of Indonesia has even announced plans to move the country's

capital to a different part of the country, called Kalimantan.¹⁴⁷ Something similar is happening in Vietnam, where the Mekong Delta, which is home to almost 17 million people, is having big problems with saltwater getting into the freshwater areas. The IPCC said in 2021 that by the year 2100, a big part of the delta could be underwater, which would be very bad for food production and would force many people to leave their homes.¹⁴⁸

Extreme Weather Events

The Philippines is one of the countries most affected by disasters. For example, Typhoon Haiyan in 2013 forced over 4 million people to leave their homes, and Typhoon Rai in 2021 displaced more than 7 million people. This shows how often and how badly people are affected by natural disasters.¹⁴⁹ In Myanmar, Cyclone Nargis hit the Irrawaddy Delta, which is the country's main area for growing rice, and over 800,000 people had to leave their homes in 2008. Because of climate change, extreme weather events like typhoons and cyclones are happening more often and are becoming stronger, which means many people might have to leave their homes.¹⁵⁰ This is a big problem that needs to be addressed.

Resource Scarcity and Livelihood Collapse

In countries like Cambodia, Laos, and Myanmar, many farmers rely heavily on regular rainfall to grow rice. But because of changes in the climate, the usual patterns of rain are being disrupted, which is causing big problems for these farmers. Their crops are not doing as well as they used to, and this is leading to a lot of people having to leave their homes to find work

¹⁴⁵ World Bank, *Groundswell Report: Internal Climate Migration in the Year 2050*, World Bank (Sept. 2021), <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>

¹⁴⁶ Jon Emont, *Jakarta Is Sinking So Fast, It Could End Up Underwater*, *Wall St. J.* (Dec. 21, 2017), <https://www.wsj.com/articles/torrential-rain-flooding-and-landslides-claim-16-lives-in-jakarta-11577970970> (last visited Sept. 21, 2025).

¹⁴⁷ Richard C. Paddock, *Indonesia Plans to Move Capital From Jakarta*, *N.Y. Times* (Apr. 29, 2019), <https://www.nytimes.com/2019/04/29/world/asia/indonesia-capital-jakarta-borneo.html> (last visited Sept. 21, 2025).

¹⁴⁸ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Impacts, Adaptation and Vulnerability*, Working Group II, Ch. 10: Asia (2022), <https://www.ipcc.ch/report/ar6/wg2/chapter/chapter-10/> (last visited Sept. 21, 2025).

¹⁴⁹ Internal Displacement Monitoring Centre (IDMC), *Philippines: Typhoon Haiyan Displacement Report* (2014), <https://www.internal-displacement.org/publications/philippines-typhoon-haiyan-displacement-report> (last visited Sept. 21, 2025).

¹⁵⁰ ReliefWeb, *Myanmar: Cyclone Nargis Situation Report No. 46* (Aug. 2008), <https://reliefweb.int/report/myanmar/myanmar-cyclone-nargis-situation-report-no-46> (last visited Sept. 21, 2025).

elsewhere. Meanwhile, in Indonesia and the Philippines, the fishing industries are also struggling due to the warming of the seas, coral bleaching, and overfishing.¹⁵¹ All of these slow and steady changes are forcing many families to give up their traditional ways of making a living, and this is creating a lot of poverty and hardship, especially for people who are not able to move to a new location. As a result, many people are getting stuck in poverty, and it's becoming a really big challenge for them to improve their situation.

Socio-Economic Impacts of Displacement

The effects of displacement can be felt for a long time, and it's not just the people who are displaced who are affected - it's also the communities they move to. Displacement also has a pronounced gendered dimension. Women and children are disproportionately affected, facing greater risks of exploitation, trafficking, and violence.¹⁵² Indigenous communities, whose cultural and spiritual practices are tied to land and ecosystems, suffer the erosion of community security and identity when forced to relocate. Thus, climate-induced displacement undermines not only economic development but also social cohesion and cultural continuity in ASEAN societies.

Human Security

Dimensions The concept of human security, as articulated by the UNDP (1994), offers a comprehensive framework for understanding climate displacement in ASEAN. The seven pillars of human security—economic, food, health, environmental, personal, community, and political security—are all undermined by displacement:

Economic Security: Farmers and fishers lose livelihoods as agricultural and marine resources decline.

Food Security: Salinization in the Mekong Delta and typhoon-induced crop losses in the Philippines threaten regional food supplies.

Health Security: Displacement camps often lack adequate sanitation, leading to outbreaks of cholera, dengue, and other diseases.

Environmental Security: Rising seas, deforestation, and resource depletion degrade ecosystems that sustain communities.

Personal Security: Displaced populations face heightened risks of violence, trafficking, and exploitation. Community Security: Migration erodes traditional social networks, indigenous practices, and community resilience.

Political Security: The absence of legal recognition for climate migrants leaves them vulnerable to neglect and exclusion.

This multidimensional erosion of human security makes climate displacement not just a humanitarian concern but also a destabilizing factor for regional peace and stability.

Case Studies

Indonesia (Jakarta and Coastal Communities)

Jakarta is facing a big problem - it's sinking really fast, about 25 cm every year. This is happening because people are taking out too much groundwater, and the sea is rising. Many people who live in the northern part of Jakarta have already had to move to higher ground. The government has made a surprising decision to move the capital city to a different part of the country, East Kalimantan, which shows just how much climate change is affecting the way the country is run and planned. This is a huge deal, and it's clear that climate change is having a major impact on the city and the country as a whole.

Philippines (Typhoon-Prone Regions)

The Philippines is constantly dealing with people being forced to leave their homes because of typhoons that keep happening. For example, Typhoon Haiyan in 2013 made 4 million people leave their homes, and Typhoon Rai did the

¹⁵¹ Food & Agric. Org. of the U.N., *Climate Change and Food Security in Southeast Asia* (2016), <https://www.fao.org/3/i5188e/i5188e.pdf> (last visited Sept. 21, 2025).

¹⁵² U.N. High Comm'r for Refugees (UNHCR), *Global Report 2015: Displacement in a Changing Climate* (2015), <https://www.unhcr.org/globalreport2015/> (last visited Sept. 21, 2025).

same to 7 million people in 2021. This keeps happening – a disaster occurs, people are displaced, and then the recovery efforts are not enough. This shows that we need to find stronger and more proactive solutions that go beyond just helping people in an emergency. We need to think about how to prevent these problems from happening again and again, and how to help people recover in a way that lasts.

Challenges in Addressing Displacement

Despite recognition of the problem, ASEAN's response remains constrained by several challenges:

Legal Vacuum: International refugee law does not recognize "climate refugees," and ASEAN lacks a binding regional treaty for displacement.¹⁵³

Institutional Constraints: The ASEAN principle of non-interference and reliance on consensus limit decisive collective action.¹⁵⁴

Socio-Economic Burdens: Host communities face increased competition for resources and limited integration mechanisms.¹⁵⁵

Cross-Border Complexities: Displacement risks spilling across borders, but states are reluctant to address such sensitive sovereignty issues.¹⁵⁶

Funding Gaps: Climate adaptation financing is inadequate, and vulnerable communities often lack access to resources.¹⁵⁷

CHAPTER 4: Legal and Institutional Frameworks in ASEAN

Introduction

ASEAN's approach to climate change and displacement reflects its broader institutional culture—marked by non-interference, consensus-based decision-making, and a preference for "soft law" over binding commitments.¹⁵⁸ While the region has made significant strides in disaster management, its legal and institutional frameworks remain inadequate for addressing long-term displacement caused by climate change. This chapter examines ASEAN's key legal instruments, national legislative frameworks, and institutional mechanisms relevant to displacement, before evaluating their limitations.

ASEAN Legal Instruments

ASEAN Agreement on Disaster Management and Emergency Response (AADMER, 2005)

Disaster cooperation in Southeast Asia is guided by a key agreement called AADMER.¹⁵⁹ This agreement sets up ways to get ready for disasters, reduce risks, provide emergency help, and rebuild after a disaster. Although AADMER is a legally binding agreement, it mainly focuses on short-term responses to disasters rather than long-term solutions for people who have been displaced. It doesn't provide a plan for finding permanent solutions, such as relocating people, protecting their livelihoods, or helping them move to another country. Some experts, like Caballero-Anthony, have pointed out that AADMER is more focused on responding to disasters than on helping people who have been displaced due to climate change. This means that AADMER doesn't do enough to protect people who have been forced to leave their homes because of slow-onset climate

¹⁵³ U.N. High Comm'r for Refugees, *Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change* (2015), <https://www.refworld.org/docid/55cb153f4.html> (last visited Sept. 21, 2025).

¹⁵⁴ ASEAN, *ASEAN Charter* (2008), <https://asean.org/asean/asean-charter/> (last visited Sept. 21, 2025).

¹⁵⁵ Int'l Org. for Migration, *World Migration Report 2020* (2020), https://publications.iom.int/system/files/pdf/wmr_2020.pdf (last visited Sept. 21, 2025).

¹⁵⁶ ASEAN Intergovernmental Comm'n on Human Rights, *Overview* (2021), <https://aichr.org/about/> (last visited Sept. 21, 2025).

¹⁵⁷ U.N. Framework Convention on Climate Change (UNFCCC), *Standing Committee on Finance: Biennial Assessment and Overview of Climate Finance Flows 2020* (2020), <https://unfccc.int/topics/climate-finance/resources/biennial-assessment>

¹⁵⁸ Amitav Acharya, *Constructing a Security Community in Southeast Asia: ASEAN and the Problem of Regional Order* (3d ed. 2014).

¹⁵⁹ ASEAN Secretariat, *ASEAN Agreement on Disaster Management and Emergency Response (AADMER)* (2005), <https://asean.org/asean-agreement-on-disaster-management-and-emergency-response/> (last visited Sept. 21, 2025).

impacts, such as rising sea levels or droughts.¹⁶⁰ As a result, people who are displaced by climate change may not get the help they need to rebuild their lives.

ASEAN Human Rights Declaration (AHRD, 2012)

Climate change is forcing people to leave their homes, and this is a big problem. The ASEAN Human Rights Declaration, or AHRD, says that everyone has the right to life, security, and dignity. But climate change is threatening these rights.¹⁶¹ The thing is, the AHRD is not a law, so it can't be enforced. This means that people who have been displaced because of climate change don't have a clear way to assert their claims.¹⁶² ASEAN, which is a group of countries in Southeast Asia, hasn't done a good job of protecting people who have been displaced because of climate change. They haven't said that the AHRD applies to these people, which means that there's a big gap in protection. This is a problem because it leaves people who are already vulnerable without any help or support.

Institutional Mechanisms

ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre)

The AHA Centre was created in 2011 to coordinate disaster relief across ASEAN.¹⁶³ It plays a vital role in delivering aid, but its mandate is limited to short-term humanitarian response. It does not address protracted displacement, resettlement, or the rights of climate migrants.

ASEAN Intergovernmental Commission on Human Rights (AICHR)

AICHR is the regional human rights body, but it operates under a restricted mandate and has limited enforcement powers.¹⁶⁴ It has yet to issue

any significant statements or reports on climate-induced displacement, reflecting the region's political sensitivity toward migration issues.

CHAPTER 5: India's Act East Policy and Human Security

Introduction

India's Act East Policy is a big deal for the country's foreign policy in the Indo-Pacific region. It was started in 2014, building on the Look East Policy from the 1990s.¹⁶⁵ But while the old policy mainly focused on trade and economy, the new one covers a lot more ground – it's about connecting people, sharing cultures, and working together on security.¹⁶⁶ The main idea behind this policy is for India to get closer to ASEAN, balance out China's influence in the area, and keep its neighbourhood stable. By doing so, India aims to strengthen its position in the region and make the most of the opportunities available.¹⁶⁷

Evolution of the Act East Policy

From Look East to Act East

India's Look East Policy was initiated in the early 1990s under Prime Minister P.V. Narasimha Rao, with the primary aim of expanding economic relations with ASEAN following India's economic liberalization. Over time, it evolved to include strategic cooperation, maritime security, and regional connectivity.¹⁶⁸ India's Act East Policy, launched by Prime Minister Narendra Modi in 2014, aimed to boost ties with its neighbors.

Current Focus Areas

Presently, the Act East Policy is structured around:

Economic Integration: Free trade agreements, market access, and investment in ASEAN economies.¹⁶⁹

¹⁶⁰ Mely Caballero-Anthony, *ASEAN and Non-Traditional Security: Managing Transnational Challenges in The Oxford Handbook of Asian Security* 452 (2016).

¹⁶¹ ASEAN Secretariat, *ASEAN Human Rights Declaration* (2012), <https://asean.org/asean-human-rights-declaration/> (last visited Sept. 21, 2025).

¹⁶² Vitit Muntarbhorn, *The ASEAN Human Rights Declaration*, 2012 61 Int'l & Comp. L.Q. 771 (2012).

¹⁶³ ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), *Overview* (2011), <https://ahacentre.org> (last visited Sept. 21, 2025).

¹⁶⁴ ASEAN Intergovernmental Commission on Human Rights (AICHR), *About AICHR* (2021), <https://aichr.org/about/> (last visited Sept. 21, 2025).

¹⁶⁵ C. Raja Mohan, *India and the Balance of Power*, 85 Foreign Aff. 17 (2006).

¹⁶⁶ S.D. Muni, *India's "Look East" Policy: The Strategic Dimension*, 34 J. Asian Stud. 463 (1997).

¹⁶⁷ Prabir De, *Act East Policy: A New Paradigm for India's Engagement with ASEAN* 2 RSIS Policy Brief 1 (2015).

¹⁶⁸ Ministry of External Affairs (India), *Act East Policy Overview* (2014).

¹⁶⁹ ASEAN-India Centre, *ASEAN-India Development and Cooperation Report* (2018).

Connectivity: Infrastructure projects such as the India–Myanmar–Thailand Trilateral Highway and Kaladan Multi-Modal Transit Project.¹⁷⁰

Strategic Cooperation: Naval exercises, counterterrorism partnerships, and alignment with ASEAN's Indo-Pacific vision.¹⁷¹

These efforts help countries work together, but they don't do much to tackle big problems like climate change, pandemics, and people being forced to leave their homes, which are becoming more and more important for keeping a region safe and strong.

The Human Security Lens

The idea of human security, which was first talked about by the UNDP in 1994, is about more than just protecting people from war and violence. It's also about making sure people have enough money, food, healthcare, and a safe place to live.¹⁷² When we look at the Act East Policy through this lens, we can see that it's not just about achieving specific strategic goals, but also about helping people in ASEAN who are being affected by climate change and having to leave their homes. This policy has the potential to make a big difference in the lives of these people, who are facing many challenges due to climate change. By addressing the root causes of their vulnerabilities, the Act East Policy can help create a more secure and stable environment for everyone in the region.

Integrating Climate Displacement into Act East Policy

India can integrate climate-induced displacement into the Act East Policy through several pathways:

Climate Diplomacy and Advocacy

India has a great chance to make a big impact on the global stage, particularly when it comes to climate change. By using major platforms like the UNFCCC and G20, India can help bring

attention to the concerns of ASEAN countries, making sure that the world recognizes climate displacement as a problem that affects us all. This is a big deal, as it would show that India is committed to being a responsible leader in the region.¹⁷³ By linking its Act East Policy to these efforts, India can really drive home its role as a power that cares about the well-being of its neighbors.

Strategic Benefits for India

Beyond its humanitarian value, repositioning Act East around climate resilience serves India's broader strategic interests. It strengthens India's soft power, enhances trust with ASEAN, and positions India as a credible alternative to China in the region. Moreover, by addressing displacement and human security, India can help prevent instability that could disrupt trade routes, investment opportunities, and regional peace—all of which are essential for India's long-term economic and security goals.¹⁷⁴

CHAPTER 6: Case Law and Comparative Perspectives

Introduction

Climate change is having a big impact on people's lives, and this is leading to a lot of problems, including people being forced to leave their homes. Even though the courts in Southeast Asia haven't made any big decisions on this issue yet, courts in other parts of the world are starting to recognize the connection between climate change, human rights, and people being displaced.¹⁷⁵ These decisions, even if they're from different parts of the world, can still provide useful guidance for Southeast Asia and for India as it works with the region through the Act East Policy.¹⁷⁶ By looking at these cases and comparing them to how other regions, like the Pacific Islands and the European Union, are handling similar issues, we can see how new and innovative approaches by courts and

¹⁷⁰ Ministry of External Affairs (India), *India–Myanmar–Thailand Trilateral Highway Project Update* (2021), <https://mea.gov.in> (last visited Sept. 21, 2025).

¹⁷¹ ASEAN Secretariat, *ASEAN Outlook on the Indo-Pacific* (2019).

¹⁷² U.N. Dev. Programme, *Human Development Report 1994: New Dimensions of Human Security* (1994).

¹⁷³ Indian Navy, *Humanitarian Assistance and Disaster Relief (HADR) Missions* (2020).

¹⁷⁴ UNFCCC, *COP27: India's Intervention on Climate Mobility* (2022).

¹⁷⁵ Jacqueline Peel & Hari M. Osofsky, *Climate Change Litigation: Regulatory Pathways to Cleaner Energy* (2015).

¹⁷⁶ Daniel Bodansky et al., *International Climate Change Law* (2017).

governments can help us respond to these problems more effectively in Southeast Asia. This can help us find better ways to deal with the challenges posed by climate change and make sure that people's rights are protected.

Key Judicial Precedents

Teitiota v. New Zealand (UN Human Rights Committee, 2020)

Climate change is having a big impact on some countries, and people are being forced to leave their homes.¹⁷⁷ Ioane Teitiota, a man from Kiribati, tried to get asylum in New Zealand because his homeland was becoming uninhabitable due to rising sea levels and environmental problems. Even though the New Zealand courts didn't agree with his claim, the UN Human Rights Committee said that climate change could be a reason to protect people's right to life in the future. This means that countries might not be able to send people back to places where climate change is putting their lives in danger. This is a big deal, especially for ASEAN, which needs to create laws to protect people who are being displaced because of climate change.

The Teitiota case set an important example, showing that countries have a responsibility to consider the impact of climate change on people's lives. As climate change continues to affect more and more people, it's crucial that we have laws in place to protect those who are being forced to leave their homes. This is not just a matter of human rights, but also a matter of humanity. We need to make sure that people are not sent back to places where they will be in danger, and that they are given the support and protection they need to rebuild their lives.

AF (Kiribati) v. Minister for Immigration (New Zealand Immigration Tribunal, 2013)

Climate change is forcing people to leave their homes, and this is a big problem. A person from Kiribati asked New Zealand for refugee status

because of environmental issues. The Tribunal said that climate change was part of the reason they wanted to migrate, but it didn't qualify as "persecution" under the Refugee Convention.¹⁷⁸ This case shows that our current refugee laws are not good enough to deal with people who are displaced because of climate change. We need to come up with new legal frameworks, especially in areas like ASEAN, to help people who are affected by climate change. This is a complex issue, and we need to find a way to protect people who are losing their homes due to rising sea levels, more frequent natural disasters, and other climate-related problems. The current laws are not doing enough to help these people, and it's time for us to think about new solutions.

Leghari v. Federation of Pakistan (Lahore High Court, 2015)

A farmer from Pakistan, Ashgar Leghari, took his government to court for not doing enough to fight climate change.¹⁷⁹ The Lahore High Court agreed with him, saying that not taking action on climate change is a violation of basic human rights, like the right to live and be treated with dignity. This is a big deal because it's based on Pakistan's Constitution. The court then created a special group, called the Climate Change Commission, to make sure the government follows through on its promises to deal with climate change. This case is important because it shows how courts in a country can push the government to take action on climate change, which can help people who are affected by it. It's also a good example for other countries in Southeast Asia, where governments often don't do enough to protect their people from the effects of climate change.

Oposa v. Factoran (Supreme Court of the Philippines, 1993)

In this landmark ASEAN case, a group of minors successfully sued the Philippine government to

¹⁷⁷ *Ioane Teitiota v. New Zealand*, CCPR/C/127/D/2728/2016, U.N. Human Rights Comm. (Jan. 7, 2020), <https://www.refworld.org/jurisprudence/caselaw/hrc/2020/en/123128> (last visited Sept. 21, 2025).

¹⁷⁸ *AF (Kiribati) v. Minister for Immigration*, NZIPT 800413 (N.Z. Immigr. & Prot. Trib. 2013), https://www.refworld.org/cases,NZL_IT,51b1d29d4.html (last visited Sept. 21, 2025).

¹⁷⁹ *Ashgar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Ct. 2015), <https://elaw.org/pk.leghari> (last visited Sept. 21, 2025).

stop logging permits, arguing for their right to a balanced and healthy ecology.¹⁸⁰ The Court upheld the principle of intergenerational responsibility, recognizing that future generations have legal standing to protect environmental rights. This case is particularly significant for ASEAN as it situates environmental protection within a constitutional and human rights framework, which could be extended to displacement contexts.

Comparative Regional Perspectives

Pacific Islands Forum

The Pacific Islands are really feeling the effects of climate change, and it's causing a lot of people to have to leave their homes. The Pacific Islands Forum has spoken out about this problem and is asking for help from other countries to deal with it. They've come up with a plan, called the Regional Framework on Climate Mobility, that focuses on treating people with respect and helping them move to new homes in a planned way.¹⁸¹ Other groups, like ASEAN, can learn from this approach and how it prioritizes human rights. By working together, we can make sure that people who are forced to leave their homes because of climate change are treated with dignity and get the help they need. This is a big issue that requires cooperation from many countries, and the Pacific Islands Forum is taking a lead role in addressing it.

Conclusion

The Pacific Islands Forum and EU models further highlight how regional cooperation can provide frameworks for mobility and resilience. It's really important for ASEAN to start thinking about more than just responding to disasters. They need to create strong laws to protect people who have been displaced. For India, this is a chance to make its Act East Policy stronger by including climate resilience and human

security. The next part of this research will bring together all the findings and suggest concrete actions that India and ASEAN can take together to address the issue of people being displaced due to climate change. This will help them work together more effectively to tackle this problem. By doing so, they can make a big difference in the lives of people affected by climate change.

CHAPTER 7: Findings and Recommendations

Introduction

The preceding chapters have demonstrated that climate-induced displacement in ASEAN is an escalating human security crisis with profound legal and policy implications.¹⁸² While ASEAN has established frameworks for disaster management and humanitarian relief, these remain inadequate for addressing long-term displacement and the rights of climate migrants.¹⁸³ Judicial precedents from Asia and beyond highlight the emerging recognition of climate change as a human rights issue, yet ASEAN lacks a coherent regional legal regime.¹⁸⁴ India's Act East Policy, though traditionally strategic and economic in focus, offers an opportunity to strengthen ASEAN's resilience by integrating climate justice and displacement governance.¹⁸⁵ This chapter consolidates the main findings of the research and sets out recommendations to address identified gaps.

Key Findings

Climate Displacement as a Multidimensional Crisis

- The ASEAN region is really feeling the effects of climate change - it's one of the most vulnerable places on the planet. Rising sea levels, powerful typhoons, and devastating floods are already forcing

¹⁸⁰ *Oposa v. Factoran*, G.R. No. 101083, 224 S.C.R.A. 792 (Phil. 1993), https://lawphil.net/judjuris/juri1993/jul1993/gr_101083_1993.html (last visited Sept. 21, 2025).

¹⁸¹ Pacific Islands Forum Secretariat, *Framework for Resilient Development in the Pacific (FRDP)* (2016), <https://www.forumsec.org/2016/09/05/framework-for-resilient-development-in-the-pacific/>

¹⁸² Asian Dev. Bank, *A Region at Risk: The Human Dimensions of Climate Change in Asia and the Pacific* (2017).

¹⁸³ SEAN Secretariat, *ASEAN Agreement on Disaster Management and Emergency Response (AADMER)* (2005).

¹⁸⁴ *Ashgar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015 (Lahore High Ct. 2015).

¹⁸⁵ Chietigi Bajpae, *Reinvigorating India's Act East Policy in an Age of Geopolitical Transition*, 33 *Contemp. S. Asia* 258 (2023).

millions of people to leave their homes, and livelihoods are being destroyed.¹⁸⁶

- Displacement undermines all seven pillars of human security (economic, food, health, environmental, personal, community, and political).¹⁸⁷

Inadequacy of ASEAN Legal and Institutional Frameworks

- AADMER is disaster-centric and does not address long-term displacement or the rights of migrants.¹⁸⁸
- The ASEAN Human Rights Declaration doesn't have any legal power and hasn't been used to help people who have been forced to leave their homes.¹⁸⁹
- Institutional bodies such as AICHR and the AHA Centre have limited mandates, leaving governance fragmented.¹⁹⁰

National Frameworks are Fragmented

- Some countries, like the Philippines and Indonesia, have made progress in creating laws to deal with disasters, but so far, none of them have laws that officially recognize people who are forced to leave their homes because of climate change.¹⁹¹
- Legal responses are short-term, reactive, and inconsistent across ASEAN.
- Judicial and Comparative Lessons Cases like Teitiota and Leghari show how courts can link climate impacts to human rights.
- Oposa demonstrates how intergenerational responsibility can be judicially recognized.

Regional models (Pacific Islands Forum, EU) illustrate how collective governance can strengthen resilience.

Act East Policy as an Untapped Tool

India's Act East Policy has so far prioritized trade, connectivity, and strategic security. With India's disaster management expertise and climate diplomacy credentials, the policy can be expanded to include climate displacement as part of its non-traditional security agenda.

Recommendations

Legal and Policy Reforms in ASEAN

Develop a Binding ASEAN Framework on Climate-Induced Displacement, modeled on human rights and disaster principles, ensuring recognition, protection, and durable solutions for displaced persons.

Integrate Human Security into ASEAN's Charter and Declarations, moving beyond sovereignty-based limitations.

Harmonize National Laws by encouraging member states to adopt consistent definitions and protections for climate migrants.¹⁹²

Strengthening Institutional Mechanisms

Expand the mandate of the AHA Centre to include long-term displacement and resettlement planning.¹⁹³

Empower the ASEAN Intergovernmental Commission on Human Rights (AICHR) to address displacement as a human rights issue.

Establish an ASEAN Climate Displacement Task Force to coordinate data-sharing, policy development, and emergency responses.

India's Role through the Act East Policy

Diplomatic Leadership: Use the Act East forums to advocate for displacement to be placed on the ASEAN agenda, framing it as a human security issue.¹⁹⁴

Capacity-Building Cooperation: Share India's expertise in disaster management, renewable energy, and climate adaptation with ASEAN

¹⁸⁶ Intergovernmental Panel on Climate Change, *AR6 WGII: Impacts, Adaptation and Vulnerability, Ch. 10 Asia* (2022).

¹⁸⁷ U.N. Dev. Programme, *Human Development Report 1994: New Dimensions of Human Security* (1994).

¹⁸⁸ ASEAN Agreement on Disaster Management and Emergency Response,

¹⁸⁹ ASEAN Secretariat, *ASEAN Human Rights Declaration* (2012).

¹⁹⁰ SEAN Intergovernmental Comm'n on Human Rights, *About AICHR* (2021).

¹⁹¹ Rep. of the Philippines, *Climate Change Act* (R.A. 9729, 2009); Rep. of Indonesia, *Law No. 24/2007 on Disaster Management* (2007).

¹⁹² Rep. of Vietnam, *National Climate Change Strategy* (2011).

¹⁹³ ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre), *Overview* (2011).

¹⁹⁴ Ministry of External Affairs (India), *India-ASEAN Capacity Building Initiatives* (2020).

states through joint training and technology transfer. ASEAN–India Centre, ASEAN–India Development and Cooperation Report (2018).¹⁹⁵

Livelihood Initiatives: Develop India–ASEAN projects that promote green jobs, skill–building, and sustainable agriculture for displaced communities.

Humanitarian Assistance and Disaster Relief (HADR): Expand India's naval and disaster relief cooperation to include structured displacement response missions.

Climate Advocacy: Use India's global platforms (G20, UNFCCC) to amplify ASEAN's concerns and push for international recognition of climate migrants.¹⁹⁶

CHAPTER 8: Conclusion

Summary of the Study

This research set out to critically analyze climate–induced displacement in ASEAN and examine how India's Act East Policy could be leveraged to advance human security and regional resilience. The study demonstrated that ASEAN is highly vulnerable to climate risks, with sea–level rise, typhoons, flooding, and livelihood collapse already forcing millions to migrate. Displacement in the region undermines all seven pillars of human security—economic, food, health, environmental, personal, community, and political—making it both a humanitarian and a security concern.

Key Conclusions

- ASEAN's current legal and institutional frameworks are insufficient for providing durable protection to displaced persons, leaving a significant governance gap.
- Judicial precedents and comparative regional practices illustrate feasible models for integrating human rights and climate resilience into displacement governance.

- India's Act East Policy has the potential to be reframed as a vehicle for climate justice, enabling India to strengthen its role as a regional partner while addressing one of the 21st century's most critical challenges.

Final Reflection

Climate–induced displacement in ASEAN is not a distant concern; it is a present–day reality demanding urgent action. ASEAN's disaster frameworks provide a foundation, but without binding protections, displaced populations remain highly vulnerable. India, through its Act East Policy, is uniquely positioned to support ASEAN in building resilience, not only as a strategic partner but also as a champion of human security.

India can make a big difference by integrating climate justice into its foreign policy. This is not just a moral issue, but also a way for India to show its leadership in the Indo–Pacific region. By working closely with ASEAN countries, India can help shift the focus from just responding to disasters to taking proactive steps to protect people and the environment. This means putting human dignity, security, and resilience at the heart of how the region is governed, especially in the face of climate change.

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¹⁹⁵ Indian Navy, *Humanitarian Assistance and Disaster Relief (HADR) Missions* (2020).

¹⁹⁶ UNFCCC, *Task Force on Displacement* (2018)

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