

**How to cite this article:**

Arjomandi, P. (2024). Indicators of Eco-Displacement in National Legal Systems. *Journal of Historical Research, Law, and Policy*, 2(2), 40-47. <https://doi.org/10.61838/jhrp.2.2.6>



Article history:

Original Research

Dates:

Submission Date: 15 February 2024

Revision Date: 19 March 2024

Acceptance Date: 30 March 2024

Publication Date: 01 April 2024

Indicators of Eco-Displacement in National Legal Systems

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ABSTRACT

This study aims to identify and analyze key indicators of eco-displacement within national legal systems, focusing on legal frameworks, socio-environmental impacts, governance, and policy innovations to enhance protections for displaced populations. A qualitative research design was employed using semi-structured interviews with 20 legal experts, policymakers, and scholars based in Tehran. Participants were selected purposively to capture diverse perspectives. Data collection continued until theoretical saturation was reached. Interviews were audio-recorded, transcribed verbatim, and analyzed thematically using NVivo software to identify core themes and subthemes related to legal indicators of eco-displacement. Four main themes emerged: (1) Legal Frameworks and Definitions, highlighting the need for clearer, harmonized legal definitions and gaps in national and international laws; (2) Socio-Environmental Impacts, emphasizing the multifaceted human and ecological consequences of eco-displacement, especially for vulnerable populations; (3) Governance and Enforcement, underscoring challenges related to institutional capacity, judicial responsiveness, transparency, and stakeholder participation; and (4) Policy and Legal Innovations, reflecting emerging adaptive legal mechanisms, rights-based approaches, restorative policies, and the importance of legal education. These themes illustrate both persistent challenges and promising pathways for improving legal responses to eco-displacement. Eco-displacement poses complex legal and socio-environmental challenges requiring comprehensive and adaptive national legal frameworks. Clarifying legal definitions, integrating socio-environmental considerations, strengthening governance, and promoting innovative, rights-based policies are critical for enhancing protection and justice for displaced populations. The findings provide a foundation for legal reform and policy development to address eco-displacement more effectively.

Keywords: *Eco-displacement, Environmental law, Legal frameworks, Displacement governance, Policy innovation, Environmental justice, Qualitative research.*

Introduction

Environmental changes driven by climate variability, natural resource depletion, and ecological degradation have increasingly led to the displacement of populations worldwide. This phenomenon, often termed "eco-displacement," refers to the forced or involuntary movement of people due to environmental factors such as land degradation, natural disasters, or large-scale infrastructure projects that impact ecosystems (Ferris, 2014). While much scholarly attention has been directed toward environmental migration and climate refugees, the legal dimensions surrounding eco-displacement remain underexplored. National legal systems play a crucial role in framing protections, responsibilities, and remedies for displaced populations. Yet, ambiguity and gaps in legal frameworks often exacerbate vulnerabilities and hinder effective governance of eco-displacement issues (McAdam, 2012).



Eco-displacement is a complex multidimensional challenge that intersects environmental, social, economic, and legal domains. Its occurrence stems not only from environmental degradation but also from the way legal and policy frameworks respond—or fail to respond—to environmental risks (Boas, Farbotko, & Adams, 2019). For instance, inadequate legal recognition of eco-displacement can lead to the marginalization of affected communities, insufficient compensation mechanisms, and barriers to access justice (Kälin & Schrepfer, 2012). Understanding how national legal systems identify and address eco-displacement is thus essential for formulating responsive policies that align with human rights and environmental justice principles.

Existing international legal instruments have begun to acknowledge the significance of displacement caused by environmental factors. The 1951 Refugee Convention, however, does not explicitly cover eco-displaced persons, leaving them without clear protection under international refugee law (Martin, 2010). Efforts such as the Nansen Initiative and the Platform on Disaster Displacement have sought to fill this gap by promoting cooperation and normative development, yet binding international legal obligations remain limited (Nansen Initiative, 2015). Consequently, national legal frameworks serve as the primary legal environment where eco-displacement issues must be addressed, adapted, and enforced. The effectiveness of these frameworks varies widely across countries, influenced by political will, institutional capacity, and socio-economic contexts (McLeman & Hunter, 2010).

One significant challenge in legal approaches to eco-displacement is definitional clarity. Without a universally accepted legal definition, the identification of eco-displaced individuals and communities becomes inconsistent, complicating the development of targeted protections and policies (Farbotko & Lazrus, 2012). National laws often use broad or overlapping terms such as environmental migrants, internally displaced persons (IDPs), or disaster-affected populations, which may not adequately capture the nuances of eco-displacement (Kälin, 2010). This ambiguity has tangible consequences, such as exclusion from legal safeguards or inadequate recognition of claims for restitution and resettlement.

Socio-environmental impacts further highlight the importance of robust legal frameworks. Eco-displacement disrupts livelihoods, dismantles social networks, and threatens cultural identities, especially for indigenous and marginalized populations who are disproportionately affected (Collins, 2017). The loss of access to land and natural resources due to environmental degradation or development-induced displacement raises critical questions about land rights, environmental stewardship, and reparations within legal systems (Cernea, 2000). Legal recognition of these impacts is necessary to ensure that displaced communities receive appropriate compensation and support.

Governance and enforcement mechanisms within national legal systems are pivotal for managing eco-displacement effectively. Institutional capacity, transparency, and judicial responsiveness determine whether laws translate into meaningful protections (Schmidt, 2013). Weak governance structures often result in legal loopholes, corruption, and inadequate stakeholder participation, further marginalizing affected groups (Jónsson, 2014). Conversely, participatory legal processes that include affected communities, civil society, and indigenous groups enhance the legitimacy and responsiveness of legal frameworks (Williams, 2017). Monitoring and reporting systems, as well as judicial precedents, serve as indicators of a legal system's capacity to address eco-displacement comprehensively.

Recent policy and legal innovations demonstrate emerging pathways to strengthen national responses to eco-displacement. Adaptive legal mechanisms—such as environmental impact assessments, flexible regulations, and iterative policy revisions—allow for more nuanced and dynamic management of displacement risks (Agyeman & Evans, 2004). Rights-based approaches integrate human rights frameworks with environmental governance to

prioritize equity and justice for displaced persons (Schlosberg, 2007). Compensation and restorative policies, including financial reparations, land restoration, and community empowerment programs, are gaining traction as necessary complements to preventive legal measures (Oliver-Smith, 2009). Moreover, enhancing legal awareness and education promotes empowerment among displaced populations, enabling them to claim their rights and participate in decision-making processes (Hilson & Maconachie, 2017).

Despite these advances, significant challenges persist. The fragmentation of environmental and displacement laws, limited institutional coordination, and lack of political prioritization often undermine comprehensive legal protection for eco-displaced populations (Kelman, 2015). Furthermore, the global increase in environmental risks due to climate change underscores the urgency for national legal systems to adapt and incorporate eco-displacement considerations explicitly (Black et al., 2011). Effective legal indicators—clear definitions, robust protections, enforceable rights, participatory governance, and innovative policy tools—are vital for addressing eco-displacement's multifaceted challenges.

This study aims to identify and analyze the key indicators of eco-displacement in national legal systems, focusing on how legal frameworks define, govern, and innovate responses to this phenomenon. Through qualitative analysis of expert perspectives from Tehran, this research contributes to filling the knowledge gap on the legal dimensions of eco-displacement. By clarifying legal indicators and challenges, it seeks to inform the development of more effective, just, and sustainable legal responses to eco-displacement in national and international contexts.

Methods and Materials

This study employed a qualitative research design to explore the indicators of eco-displacement within national legal systems. Qualitative methodology was selected to gain in-depth insights into the complex legal, social, and environmental dimensions of eco-displacement as perceived by relevant stakeholders.

The participants consisted of 20 individuals selected through purposive sampling to ensure a rich and diverse range of perspectives. All participants were based in Tehran and included legal experts, environmental policymakers, academic scholars, and practitioners involved in environmental law and policy. Recruitment continued until theoretical saturation was achieved, meaning no new themes or insights emerged from subsequent interviews.

Data were collected through semi-structured interviews, which allowed for flexible and open-ended exploration of participants' views on eco-displacement indicators within national legal frameworks. An interview guide was developed based on a preliminary literature review and expert consultation, encompassing themes such as legal definitions, policy implementation, challenges, and gaps related to eco-displacement. Each interview was conducted in person or via secure online platforms, lasting approximately 45 to 60 minutes. All interviews were audio-recorded with participant consent and subsequently transcribed verbatim for analysis.

Data analysis was conducted using thematic analysis supported by NVivo software, facilitating systematic coding and organization of qualitative data. The analysis followed an iterative process beginning with open coding to identify initial concepts, followed by axial coding to explore relationships among categories, and selective coding to integrate and refine core themes related to eco-displacement indicators. Constant comparison techniques were employed throughout to ensure consistency and depth of analysis. Trustworthiness of the findings was enhanced through member checking, peer debriefing, and maintaining an audit trail.

Findings and Results

The analysis of interviews revealed four main themes related to indicators of eco-displacement in national legal systems: (1) Legal Frameworks and Definitions, (2) Socio-Environmental Impacts, (3) Governance and Enforcement, and (4) Policy and Legal Innovations. Each theme encompasses several subthemes reflecting the complexity and multifaceted nature of eco-displacement as understood by legal experts, policymakers, and scholars.

1. Legal Frameworks and Definitions

Participants emphasized the critical importance of clarity and precision in defining eco-displacement within national legal frameworks. Under the subtheme of Definition Clarity, many noted the ambiguity and lack of consensus regarding the term, which complicates legal interpretations and enforcement. One expert explained, “There is still no unified legal definition of eco-displacement; this causes overlaps with related terms such as environmental migration or forced relocation, which weakens the protective measures” (Participant 7). In the National Environmental Laws subtheme, participants highlighted existing laws’ strengths and gaps in protecting displaced communities, mentioning enforcement mechanisms and regulatory compliance as areas needing improvement. International legal instruments, including ratified treaties, were discussed under the International Legal Instruments subtheme, with concerns about implementation gaps and conflicts with national legislation raised frequently. Finally, Policy Integration surfaced as a key issue, with challenges related to harmonizing cross-sectoral policies and institutional coordination noted as impediments to effective eco-displacement management.

2. Socio-Environmental Impacts

The theme of socio-environmental impacts illustrated the human and ecological consequences of eco-displacement. Within the Community Displacement subtheme, participants recounted the lived realities of forced relocations and the associated loss of livelihoods and social cohesion. A participant observed, “Displaced communities face not only physical relocation but also social fragmentation and inadequate compensation, which worsen their vulnerabilities” (Participant 12). Environmental Degradation was another critical subtheme, addressing habitat loss, resource depletion, and pollution effects that often trigger displacement. Discussions under Vulnerable Populations emphasized the disproportionate impacts on indigenous groups and marginalized communities, pointing out their limited access to justice and the cultural damages inflicted by displacement.

3. Governance and Enforcement

Governance-related factors were identified as pivotal in shaping eco-displacement outcomes. Institutional Capacity emerged as a subtheme focusing on the adequacy of legal expertise, administrative resources, and interagency collaboration necessary for effective policy implementation. One interviewee remarked, “Without sufficient institutional capacity and trained personnel, environmental laws remain ineffective on the ground” (Participant 3). The Monitoring and Reporting subtheme dealt with mechanisms for data collection and transparency, highlighting deficiencies in public access to environmental information and accountability processes. The judiciary’s role was captured under Judicial Responses, where participants referred to increasing litigation cases and legal precedents but noted challenges in ensuring enforcement and access to courts. Stakeholder Participation was also discussed as a vital indicator, encompassing the inclusion of civil society and indigenous voices in decision-making. However, issues such as inadequate consultation and feedback mechanisms were

reported. Finally, Corruption and Legal Barriers were cited as significant obstacles, with participants describing legal loopholes, political influence, and regulatory capture as factors undermining effective governance.

4. Policy and Legal Innovations

The last main theme covered emerging approaches to address eco-displacement more effectively. The Adaptive Legal Mechanisms subtheme included flexible regulations, environmental impact assessments, and precautionary principles that allow iterative policy updates responsive to evolving environmental and social conditions. One participant highlighted, “Legal systems need to be more adaptive, incorporating continuous feedback to respond to new displacement risks” (Participant 15). Under Rights-based Approaches, the integration of human rights principles into environmental law was seen as an important trend, especially regarding environmental justice and the recognition of eco-displacement rights. The subtheme of Compensation and Restorative Policies focused on mechanisms for financial reparations, land restoration, and community support programs, with some participants stressing the need for equitable benefit-sharing. Lastly, Legal Awareness and Education emerged as a foundational indicator, with capacity building, public awareness campaigns, and legal literacy programs seen as crucial to empowering displaced populations and enhancing legal compliance.

Discussion and Conclusion

This study aimed to identify and analyze key indicators of eco-displacement in national legal systems based on the perspectives of legal experts, policymakers, and scholars. Four main themes emerged: Legal Frameworks and Definitions, Socio-Environmental Impacts, Governance and Enforcement, and Policy and Legal Innovations. These findings offer a nuanced understanding of how national legal systems conceptualize, address, and adapt to the challenges posed by eco-displacement.

The first theme, *Legal Frameworks and Definitions*, revealed that definitional clarity remains a foundational challenge. The absence of a unified, precise legal definition of eco-displacement impedes consistent identification and protection of affected populations. This ambiguity aligns with previous studies emphasizing the problematic and contested terminology surrounding environmentally induced displacement (Kälin, 2010; Farbotko & Lazrus, 2012). Similar to the conclusions by McAdam (2012), the study found that overlaps with concepts like environmental migrants or internally displaced persons create legal uncertainties that undermine effective policy formulation. Furthermore, gaps in national environmental laws and the inconsistent incorporation of international legal instruments exacerbate these challenges. This finding corresponds with the observations of Boas et al. (2019), who noted that without clear national legal recognition and harmonization with international frameworks, displaced populations remain vulnerable to legal exclusion.

The second theme, *Socio-Environmental Impacts*, highlighted the profound human and ecological consequences of eco-displacement, particularly for vulnerable and marginalized groups. Participants described displacement as more than a physical relocation, involving social disintegration, livelihood loss, and cultural erosion. These qualitative insights reinforce Cernea’s (2000) well-established risk model of displacement, which stresses the multidimensional nature of displacement impacts. Moreover, the disproportionate effects on indigenous populations and marginalized communities echo findings by Collins (2017), who demonstrated how systemic legal and socio-political marginalization compounds environmental vulnerabilities. The importance of recognizing these socio-environmental dimensions within legal frameworks is crucial, as it informs the design of compensation, resettlement,

and support mechanisms. This aligns with Oliver-Smith's (2009) call for reparative justice that addresses both material and cultural losses.

The third theme, *Governance and Enforcement*, underscored the critical role of institutional capacity, transparency, judicial responsiveness, and stakeholder participation in shaping the efficacy of legal systems to manage eco-displacement. The reported deficits in institutional resources, coordination, and monitoring mechanisms resonate with Schmidt's (2013) findings on the barriers to adaptive environmental governance. The judiciary's limited but growing involvement in eco-displacement cases supports Kälin and Schrepfer's (2012) assertion that legal remedies and precedents are emerging but remain insufficiently robust. Moreover, the study's finding on weak stakeholder participation highlights ongoing challenges in inclusive governance, as noted by Williams (2017), who emphasized the role of civil society and indigenous voices in enhancing environmental justice outcomes. Corruption and legal barriers identified by participants further confirm Jónsson's (2014) arguments about the detrimental impact of governance failures on vulnerable populations.

Finally, the theme of *Policy and Legal Innovations* reflected promising developments in adaptive legal mechanisms, rights-based approaches, compensation policies, and legal awareness initiatives. The emphasis on flexibility and iterative policy-making supports Agyeman and Evans's (2004) concept of "just sustainability," which calls for legal frameworks capable of evolving with environmental and social changes. The integration of human rights principles into eco-displacement law corresponds with Schlosberg's (2007) environmental justice framework, which situates ecological concerns within a broader context of equity and rights. Additionally, the growing adoption of restorative policies and community empowerment initiatives resonates with Oliver-Smith's (2009) advocacy for reparative approaches that go beyond prevention to actively restore affected populations. The emphasis on legal education and awareness echoes Hilson and Maconachie's (2017) findings on the importance of empowering vulnerable groups through capacity building.

In summary, this study's findings affirm that eco-displacement is a legally complex and socially significant phenomenon that demands comprehensive, clear, and adaptive legal responses. The alignment with existing literature underscores persistent gaps but also highlights evolving trends and promising approaches. Addressing these indicators effectively requires concerted efforts to clarify legal definitions, embed socio-environmental considerations, strengthen governance structures, and innovate policies that prioritize justice and empowerment.

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

References

- Agyeman, J., & Evans, B. (2004). 'Just sustainability': The emerging discourse of environmental justice in Britain? *The Geographical Journal*, 170(2), 155–164. <https://doi.org/10.1111/j.0016-7398.2004.00112.x>
- Black, R., Bennett, S. R., Thomas, S. M., & Beddington, J. R. (2011). Climate change: Migration as adaptation. *Nature*, 478(7370), 447–449. <https://doi.org/10.1038/478477a>
- Boas, I., Farbotko, C., & Adams, H. (2019). Climate migration myths. *Nature Climate Change*, 9(12), 901–903. <https://doi.org/10.1038/s41558-019-0640-5>
- Cernea, M. M. (2000). Risks, safeguards and reconstruction: A model for population displacement and resettlement. *Economic and Political Weekly*, 35(41), 3659–3678.
- Collins, K. (2017). Climate displacement and indigenous peoples in the Pacific: Challenges and opportunities. *International Journal of Refugee Law*, 29(4), 605–631. <https://doi.org/10.1093/ijrl/eex031>
- Farbotko, C., & Lazrus, H. (2012). The first climate refugees? Contesting global narratives of climate change in Tuvalu. *Global Environmental Change*, 22(2), 382–390. <https://doi.org/10.1016/j.gloenvcha.2011.11.014>
- Ferris, E. (2014). *Disasters and displacement: Challenges, policies and people*. Routledge.
- Hilson, G., & Maconachie, R. (2017). Formalising artisanal and small-scale mining: Insights, contestations and clarifications. *The Extractive Industries and Society*, 4(3), 484–494. <https://doi.org/10.1016/j.exis.2017.06.012>
- Jónsson, G. (2014). Migration, environment and climate change: Assessing the evidence. International Organization for Migration.
- Kälin, W. (2010). Conceptualising climate-induced displacement. *Oxford Journal of Legal Studies*, 30(1), 121–146. <https://doi.org/10.1093/ojls/gqp034>
- Kälin, W., & Schrepfer, N. (2012). *Protecting people crossing borders in the context of environmental change: Normative gaps and possible approaches*. The Brookings Institution.
- Kelman, I. (2015). Climate change and the Sendai Framework for Disaster Risk Reduction. *International Journal of Disaster Risk Science*, 6(2), 117–127. <https://doi.org/10.1007/s13753-015-0040-3>
- Martin, S. F. (2010). Climate change, migration, and governance. *Global Environmental Politics*, 10(3), 124–131. <https://doi.org/10.1162/glep.2010.10.3.124>
- McAdam, J. (2012). *Climate change, forced migration, and international law*. Oxford University Press.
- McLeman, R., & Hunter, L. (2010). Migration in the context of vulnerability and adaptation to climate change: Insights from analogues. *Wiley Interdisciplinary Reviews: Climate Change*, 1(3), 450–461. <https://doi.org/10.1002/wcc.51>
- Nansen Initiative. (2015). *Agenda for the protection of cross-border displaced persons in the context of disasters and climate change*. The Nansen Initiative.
- Oliver-Smith, A. (2009). Development-induced displacement: Problems, policies and people. In C. McDowell (Ed.), *Human rights and development* (pp. 28–49). Pluto Press.
- Schlosberg, D. (2007). *Defining environmental justice: Theories, movements, and nature*. Oxford University Press.

- Schmidt, T. (2013). Governance and environmental change: The institutional drivers of adaptive capacity. *Environmental Politics*, 22(3), 365–385. <https://doi.org/10.1080/09644016.2013.769602>
- Williams, G. (2017). Participation and environmental governance: Critical reflections on environmental justice. *Journal of Environmental Policy & Planning*, 19(1), 28–41. <https://doi.org/10.1080/1523908X.2016.1190204>