

Daily Editorial Analysis 5 March 2026

March 5, 2026 • vajiramandravi.com



Climate Risks Must Prompt International Legal Reforms

Context

- Climate change has evolved into a structural challenge to the foundations of international law.
- Beyond addressing environmental damage and designing **burden-sharing** mechanisms, states must now reconsider core legal doctrines.
- Principles such as **Permanent Sovereignty over Natural Resources (PSNR)**, the territorial requirement for statehood under the Montevideo Convention, refugee protection under the **1951 Refugee Convention**, and maritime entitlements governed by the United Nations Convention on the Law of the Sea are increasingly unsettled.
- Within the framework of the United Nations Framework Convention on Climate Change (UNFCCC), states face the urgent task of renegotiation to preserve legal stability while responding to **climate-induced risks**.

Climate Change and Permanent Sovereignty over Natural Resources

- **The Foundation of PSNR**

- The doctrine of PSNR emerged from decolonisation and affirms the right of states to control and exploit their natural wealth.
- It also includes fossil fuels, in pursuit of economic independence and self-determination and remains a cornerstone of sovereign equality and development policy.

- **Tension Between Fossil Fuel Exploitation and Climate Obligations**

- The imperative to limit global warming to 1.5°C has intensified calls for a phase-out of fossil fuels.
- Proposals such as a **Fossil-Fuel Non-Proliferation Treaty** advocate leaving substantial reserves unexploited.
- This creates tension between national resource rights and the **common concern of humankind**.
- Developing states may accept limited obligations restricting extraction, provided these do not permanently undermine development prospects.
- Equity requires **climate finance, technology transfer**, and access to **carbon-neutral technologies** from developed countries.
- Climate governance thus recalibrates sovereignty, balancing resource control with collective environmental responsibility.

Climate Change and the Territorial Requirement for Statehood

- **The Montevideo Criteria for Statehood**

- The Montevideo Convention establishes four criteria for statehood: **defined territory, permanent population, government**, and **capacity to enter relations**.
- Sea-level rise (SLR) threatens small island states whose physical territory may diminish or disappear, raising existential legal questions.

- **State Continuity and Legal Ambiguity**

- Customary international law presumes state continuity. The International Court of Justice has indicated that loss of one constituent element does not automatically extinguish statehood.
- In 2023, the Pacific Islands Forum affirmed that international law does not contemplate the demise of states due to climate-related SLR.
- No minimum territorial threshold is specified in the Montevideo Convention, reinforcing arguments for continued legal personality despite land loss.
- However, the erosion of territory threatens **governance structures, citizenship rights**, and **sovereign authority**, rendering statehood increasingly precarious.
- Climate change exposes gaps between formal doctrine and geopolitical reality.

Climate Change-Induced Migration and Refugee Protection

- **Limitations of the 1951 Refugee Framework**

- The 1951 Refugee Convention protects individuals fleeing persecution based on race, religion, nationality, social group, or political opinion.
- Persons displaced by environmental degradation or SLR do not meet this definition. Consequently, climate migrants risk losing international protection and the benefits attached to nationality.

- **The Need for a New Legal Regime**

- Addressing this protection gap requires a dedicated legal mechanism, potentially through a protocol under the UNFCCC. Such a framework could provide recognition, resettlement, and safeguards for those displaced by climate impacts.
- This approach reflects a shift toward **collective responsibility** and **human security**, acknowledging that environmental harm generates cross-border consequences beyond traditional refugee law.

Unsettling of Maritime Zones

• Baselines and Maritime Entitlements

- Under the United Nations Convention on the Law of the Sea, maritime zones, including the territorial sea, contiguous zone, exclusive economic zone (EEZ), and continental shelf, are measured from coastal baselines.
- Rising sea levels may shift these baselines, potentially **reducing maritime entitlements** and access to marine resources.

• Permanent vs. Ambulatory Baselines

- Several small island and Pacific states advocate permanent baselines, effectively freezing maritime claims despite physical coastal changes.
- This ensures **jurisdictional stability** and economic security.
- This position contrasts with the traditional ambulatory baseline doctrine permitted under UNCLOS, whereby baselines move with natural coastal shifts.
- Accepting either interpretation in the context of anthropogenic climate change would require significant legal reinterpretation.
- The tension illustrates the conflict between **static legal doctrines** and dynamic environmental transformation.

Conclusion

- Climate change represents a transformative moment for international law. Foundational doctrines, **sovereignty, territorial integrity, refugee protection, and maritime jurisdiction**, are strained by rising seas, displacement, and decarbonisation imperatives.
- The UNFCCC framework and its Conference of the Parties provide a crucial forum for advancing **equitable principles** and reinforcing **international cooperation**.
- Responding effectively demands more than incremental adaptation; it requires principled **legal innovation**, solidarity, and a redefinition of rights and responsibilities in an era of planetary crisis.

Climate Risks Must Prompt International Legal Reforms FAQs

Q1. What challenge does climate change pose to Permanent Sovereignty over Natural Resources (PSNR)?

Ans. Climate change challenges PSNR by pressuring states to limit fossil fuel extraction despite their sovereign right to exploit natural resources.

Q2. How does sea-level rise affect the concept of statehood under the Montevideo Convention?

Ans. Sea-level rise threatens the territorial requirement of statehood, raising concerns about the continued legal

existence of small island states.

Q3. Why are climate migrants not protected under the 1951 Refugee Convention?

Ans. Climate migrants are not protected because the Convention only recognizes individuals fleeing persecution on specific grounds, not environmental harm.

Q4. What legal issue arises regarding maritime zones due to rising sea levels?

Ans. Rising sea levels may shift coastal baselines, potentially altering maritime zones such as the territorial sea and exclusive economic zone.

Q5. Why is renegotiation within the UNFCCC framework considered necessary?

Ans. Renegotiation is necessary to address gaps in international law and ensure equitable solutions to climate-induced legal challenges.

Source: **The Hindu**

Mapping India's Social and Linguistic Diversity

Context

- India's social and cultural landscape is marked by extraordinary diversity, reflected in its caste communities, Denotified and Nomadic Tribes (DNTs), and languages.
- Yet, paradoxically, the country **lacks precise data** on several of these categories. Historical processes, colonial classifications, and post-Independence administrative choices have left significant gaps in understanding India's social composition.
- With the **delayed Census** (originally scheduled for 2021, now expected to conclude by 2027), questions regarding the enumeration of Other Backward Classes (OBCs), DNTs, and languages remain contentious and unresolved.

India's Caste Communities - An Uncertain Count

- **Evolution of caste communities**
 - The number of caste communities in India remains uncertain despite extensive anthropological and historical research.
 - Various theories attribute the emergence of caste to –
 - Occupational specialisation
 - Ritual hierarchy and social stratification
 - Tribal integration into the caste system
 - Regional socio-economic transformations
 - However, no consensus exists regarding the exact number or origin of caste communities.
- **Other Backward Classes (OBCs)**
 - India also lacks a precise count of OBC communities.

- The **Mandal Commission** (1980) identified thousands of socially and educationally backward groups, but enumeration has never been systematically updated.
- Absence of caste-based Census data limits accurate assessment of their demographic and socio-economic status.

Denotified and Nomadic Tribes (DNTs) - A Neglected Category

- **Historical background**
 - Many nomadic communities were classified as “**Criminal Tribes**” under the Criminal Tribes Act (CTA), 1871, by the British colonial government.
 - These communities were subjected to systematic surveillance and restrictions on movement.
- **Denotification and present status**
 - The Criminal Tribes Act was repealed in 1952, leading to the “denotification” of these groups.
 - After Independence, they were placed under Scheduled Castes (SC), Scheduled Tribes (ST), OBCs, or the General category, depending on regional classification.
- **Data deficit:** India still does not have an official count of DNT communities or their population. This represents a major gap in policy formulation for historically marginalised groups.

Language Diversity in India

- **Early linguistic survey**
 - The first comprehensive attempt to map India’s linguistic diversity was the Linguistic Survey of India, proposed by George Abraham Grierson in **1886**.
 - Conducted over three decades, it documented 179 languages, and 544 dialects.
- **Post-independence developments**
 - Despite India being organised into linguistic states, there has been no independent linguistic survey since independence. Instead, language data is derived from the Census.
- **Census language data:**
 - **1961 Census:** 1,652 mother tongues
 - **1971 Census:** 108 languages (plus “others”)
 - **2011 Census:** 1,369 mother tongues and 121 languages
 - This shows the disappearance of 283 mother tongues between 1961 and 2011, raising questions about classification methods and data processing.

Issues with Census Language Classification

- **Arbitrary criteria**
 - Census reports often exclude languages spoken by fewer than 10,000 people.
 - Linguistically, this criterion has no scientific basis, as language identity is not determined by the number of speakers.
- **Mother tongue vs language**
 - The Census distinction between “mother tongue” and “language” is widely criticised as **methodologically inconsistent**.

- Such classifications risk undermining India's linguistic diversity.

Recent Debates on Language Origins

- **Linguistic families in India:** Scholars generally classify Indian languages into four major families Indo-Aryan, Dravidian, Sino-Tibetan, and Austro-Asiatic.
- **The “Bharat Bhasha Parivar” idea:**
 - The Bharatiya Bhasha Samiti has proposed that all Indian languages belong to a **single linguistic family** (“Bharat Bhasha Parivar”), with Sanskrit as the primordial source predating the Indus Valley Civilisation.
 - Linguists argue that this view lacks scientific or comparative linguistic evidence, and is more ideological than scholarly.

Key Challenges and Way Forward

- **Absence of comprehensive social enumeration:** No accurate count of caste communities, OBCs, or DNTs.
 - Conduct caste and community-based data collection, including OBCs and DNTs, to enable evidence-based policymaking.
- **Data gaps in linguistic diversity:** Lack of a post-Independence Linguistic Survey of India.
 - Revive the Linguistic Survey of India – Undertake a modern linguistic survey using digital and field-based methodologies.
- **Methodological flaws in Census data:** Arbitrary thresholds for language recognition, confusing distinction between mother tongue and language.
 - Scientific census methodology – Remove arbitrary thresholds for language recognition. Adopt internationally accepted linguistic classification standards.
- **Policy implications:** Inadequate data affects welfare policies, representation, and social justice measures.
 - Focused policy for DNTs – Prepare an official registry and socio-economic survey of Denotified and Nomadic Tribes to address historical marginalisation.
- **Politicisation of linguistic history:** Attempts to homogenise linguistic origins risk ignoring established linguistic scholarship.
 - Evidence-based linguistic research – Encourage independent academic research free from ideological influence.

Conclusion

- India's remarkable diversity—social, cultural, and linguistic—remains only partially understood due to incomplete data and methodological limitations in enumeration exercises.
- Without accurate mapping of caste groups, DNTs, and languages, policymaking risks being detached from ground realities.
- A scientific, transparent, and **inclusive census and linguistic survey** is essential to understand the true contours of Indian society and to strengthen democratic governance, social justice, and cultural preservation.

India's Social and Linguistic Diversity FAQs

Q1. Why is there uncertainty regarding the number of caste communities and OBC groups in India?

Ans. Because India has never conducted a comprehensive caste-based enumeration after independence.

Q2. What were DNTs, and how did they emerge historically?

Ans. DNTs were communities labelled as “criminal tribes” under the Criminal Tribes Act, 1871, and were denotified in 1952 after the Act was repealed.

Q3. Why is the lack of reliable data on DNTs a policy challenge in India?

Ans. Because the absence of official enumeration hampers targeted welfare policies and recognition.

Q4. What are the major issues associated with language classification in the Indian Census?

Ans. Arbitrary thresholds for recognition and the unclear distinction between “mother tongue” and “language”.

Q5. What is the debate surrounding the concept of the “Bharat Bhasha Parivar”?

Ans. It is criticised for lacking scientific evidence and overlooking established linguistic family classifications.

Source: IE

Source: <https://vajiramandravi.com/current-affairs/daily-editorial-analysis-5-march-2026/>

© Vajiram & Ravi. For personal use only.