

States Affected by Sea-Level Rise and Climate Displacement: Challenges for International Law and Human Rights

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Abstract

This study investigates the legal obstacles related to sovereignty, climate-induced displacement, and human rights, emphasizing deficiencies in current international legal frameworks. Unlike earlier studies, this research provides an integrated legal analysis of climate displacement and statehood loss, emphasizing their interconnection. It also explores legal remedies such as expanded refugee rights, recognition of climate migrants, and novel legal frameworks for stateless communities. Rising sea levels provide unparalleled legal and humanitarian concerns, particularly for low-lying island states at risk of submersion. As their territories shrink, questions arise about their sovereignty, legal status, and the rights of displaced citizens under international law. Current frameworks including the Montevideo Convention, the 1951 Refugee Convention, and human rights treaties offer inadequate protection for affected states and populations. The study utilizes a normative legal framework. The findings reveal that existing international law lacks binding provisions to recognize the continuity of states without territory, does not classify climate-displaced individuals as refugees, and offers no legal obligation for resettlement. In response, the study recommends the formal recognition of deterritorialized statehood, the expansion of refugee definitions or the creation of a new legal category, and the establishment of binding international obligations for resettlement and protection. Regional initiatives, such as the 2023 Declaration on the Continuity of Statehood by Pacific Island states, demonstrate growing support for legal innovation but remain non-binding. These findings underline the urgency for legal reform and international cooperation to prevent statelessness, ensure continued sovereignty, and uphold human rights in the face of the climate crisis.

Keywords: Climate-Displaced Persons; Human Rights; International Law; Sea-Level Rise; Statehood.

INTRODUCTION

Climate change is one of the most significant worldwide problems of the 21st century, with repercussions that transcend beyond environmental degradation to include legal, political, and human rights issues (Bamorovat et al., 2024). One of the most severe and irreversible consequences of climate change is sea-level rise, which endangers the survival of low-lying island countries and coastal governments (Gomes et al., 2024). The Intergovernmental Panel on Climate Change (IPCC) reports that global sea levels are rising at an accelerated pace owing to glacier melting and thermal expansion, with forecasts suggesting that some island countries may become entirely uninhabitable by the century's end. Countries like Tuvalu, Kiribati, the Marshall Islands, and the Maldives are especially susceptible, confronting not just land loss but also existential challenges to their sovereignty, governance, and national identity (Levy & Patz, 2024).

According to the Intergovernmental Panel on Climate Change (IPCC), global mean sea level has risen by approximately 20 cm between 1901 and 2018, and is projected to rise by up to 1.1 meters by 2100 under high-emission scenarios (Mayrhofer, 2024). In countries like Tuvalu, up to 40% of the capital area is expected to be underwater by 2050. Furthermore, the Internal Displacement Monitoring Centre (IDMC) recorded 32.6 million new displacements globally due to disasters in 2022, with a significant proportion linked to climate-related events (Ide, 2025). These figures underscore the urgent need for legal frameworks capable of addressing the resulting sovereignty and displacement challenges.

The potential extinction of nations resulting from increasing sea levels presents unique legal dilemmas. International law traditionally delineates statehood according to four principal requirements set by the Montevideo Convention on the Rights and Duties of States (1933): (1) a permanent population, (2) a defined territory, (3) a government, and (4) the ability to engage in contacts with other states (Ide, 2025). Nonetheless, these criteria do not account for instances in which a state forfeits its physical territory owing to natural environmental changes rather than foreign attack or political disintegration. Does a state maintain its legal identity, sovereignty, and international recognition if its landmass becomes uninhabitable or ceases to exist entirely? Can a government-in-exile adequately represent its constituents in the absence of a geographical homeland? These inquiries remain mostly unresolved in international legal discussions, resulting in a significant deficiency in the safeguarding of nations impacted by sea-level rise.

In addition to the matter of statehood, climate change also causes forced relocation, leading to migration driven by climate change (Gonzalez & Sim, 2025). Populations in impacted areas are increasingly compelled to migrate as their territories become untenable owing to floods, saltwater intrusion, and severe weather phenomena (Shamsuddoha et al., 2024). Nonetheless, the existing international legal system fails to officially acknowledge climate migrants or provide definitive safeguards for them.

The 1951 Refugee Convention, the foundation of international refugee protection, defines refugees as those escaping persecution due to race, religion, nationality, membership in a certain social group, or political opinion. Because climate change does not fit these classifications, climate-displaced individuals are not recognized as refugees under international law, resulting in a legal void.

Simultaneously, international human rights legislation recognizes the rights to life, sufficient shelter, and nationality, all of which are directly affected by climate change. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) acknowledge these rights as essential (Jodoin et al., 2021). Nevertheless, these accords lack explicit procedures for nations or persons seeking refuge from climate-induced displacement. In the absence of explicit legal duties, the safeguarding of climate migrants is subject to state discretion and disparate regional policies, rather than a unified worldwide legal framework (Mach et al., 2024).

Previous studies have touched on these issues from different angles. For instance, Bronen (2022) explored the legal vacuum surrounding climate-forced displacement and argued for the creation of new human rights-based frameworks (Vanhala & Calliari, 2022). Meanwhile, Luporini (2023) examined climate litigation before international human rights bodies, particularly focusing on the Torres Strait Islanders' claim against Australia. Both studies highlight the normative gaps in international law but focus primarily on either displacement or sovereignty in isolation (Jodoin et al., 2021). This study builds on such work by analyzing climate displacement and statehood loss as legally interconnected challenges, rather than treating them as separate issues. It further contributes by proposing integrated legal remedies that address both state continuity and the protection of displaced populations something not fully addressed in earlier research.

The gravity of these concerns requires an urgent analysis of international law's role in addressing statehood loss, climate displacement, and the preservation of human rights. Some researchers advocate for new legal frameworks to tackle these challenges, while others contend that current procedures may be enhanced to provide sufficient protection (Austin et al., 2024). This study examines these discussions, assessing the shortcomings of existing legal frameworks and investigating possible remedies for nations impacted by sea-level rise and climate-displaced individuals.

This study explores how international law can respond to the legal and humanitarian challenges caused by sea-level rise and climate-related displacement. It focuses on three key questions: First, how does international law define and address the legal status of countries affected by sea-level rise? Second, what protections exist for people displaced by climate change under refugee and human rights law? Third, what are the gaps in the current legal system, and how can they be addressed? This article also looks at possible legal solutions, such as new legal frameworks, expanded

definitions of refugees, and stronger regional cooperation to better protect affected communities.

METHODS

This research is a normative legal study that focuses on the analysis of legal principles, doctrines, and frameworks relevant to climate-induced displacement, statehood, and human rights under international law. The normative aspect of this study lies in its examination of how existing international legal norms ought to respond to the challenges posed by climate change, particularly in cases where entire nations face the loss of habitable territory and where displaced populations fall outside traditional refugee classifications. The research approach includes both statutory and conceptual approaches. The statutory approach involves the interpretation of formal legal texts such as treaties, conventions, and international declarations. The conceptual approach analyzes doctrinal developments and evolving legal interpretations related to sovereignty, statehood, and the legal status of displaced persons.

The study draws on both primary legal materials including international treaties such as the Montevideo Convention (1933), the 1951 Refugee Convention and its 1967 Protocol, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and relevant UN resolutions and secondary legal sources, such as journal articles, academic books, institutional reports, and case law. Legal materials were collected through document study techniques, involving systematic identification, selection, and classification of relevant legal instruments and academic literature. Sources were accessed through legal databases, treaty collections, official UN documentation centers, and regional legal repositories.

The analysis method combines deductive and inductive reasoning. Deductively, the research tests existing legal principles against current climate-related challenges; inductively, it draws normative conclusions and proposes legal reforms based on patterns observed in state practice, international responses, and jurisprudence. Case studies such as the situation of Pacific Island states like Tuvalu and Kiribati serve to illustrate how legal norms are applied or lacking in practice. The ultimate aim is to identify legal gaps and suggest normative reforms that ensure the continuity of statehood and protection of climate-displaced persons within a coherent international legal framework.

DISCUSSION AND RESULT

How Does International Law Define and Address the Legal Status of Countries Affected by Sea-Level Rise?

The notion of statehood in international law is mainly delineated by the Montevideo Convention on the Rights and Duties of States (1933), which establishes four fundamental criteria: (1) a permanent population, (2) a defined territory, (3) a

government, and (4) the capacity to engage in relations with other states (Levy & Patz, 2024). Although these requirements have been the basis for state recognition for almost a century, they were not developed to address scenarios in which a state progressively loses its physical territory owing to natural environmental changes rather than political or military strife.

Low-lying island states, like Tuvalu, Kiribati, the Marshall Islands, and the Maldives, face an existential danger to their legal status and sovereignty due to increasing sea levels (Sarkar et al., 2024). As these governments confront the potential of submersion, significant legal concerns arise: Can a state persist if it lacks a specified territory? Do the citizens maintain their nationality, or do they become stateless individuals? What measures should the international community take in response to the loss of sovereign territory resulting from climate change?

A significant difficulty for governments impacted by sea-level rise is the need of a delineated area under international law (Bronen, 2022). Historically, statehood has been intricately associated with territorial dominion, characterized by authority over a stable continent. Nevertheless, increasing sea levels pose a risk of eroding or inundating whole countries, raising the issue of whether a state can persist without a tangible territory.

The Montevideo Convention does not explicitly address whether a state ceases to exist when its territory becomes uninhabitable. However, international law has demonstrated flexibility in recognizing states without stable or defined territories. The Montevideo Convention Historical precedents, such as governments-in-exile during World War II (e.g., Poland, France, and Belgium), illustrate that sovereignty can persist despite territorial loss (Vona, 2021). Additionally, entities like the Sovereign Order of Malta maintain international legal status without a defined landmass. These cases suggest that statehood may endure through legal and diplomatic recognition, even in the absence of physical territory. Given the climate crisis, adaptation of international legal frameworks—such as formal recognition of deterritorialized states or the continued exercise of sovereignty through diplomatic and economic rights—is necessary to prevent the extinction of affected nations. However, no binding legal mechanism currently guarantees this status, highlighting the urgent need for legal reform in response to climate-induced displacement (Bronen, 2022).

Certain academics contend that the notion of statehood must adapt to the exigencies of climate change. They suggest that governments may maintain their international legal identity despite the loss of physical territory by using alternate governance models, such as government-in-exile arrangements or internationally recognized "deterritorialized states" (Vanhala & Calliari, 2022). This necessitates a transformation in international legal standards, acknowledging that statehood is contingent not only on territorial possession but also on the persistence of governance and national identity. While the complete dissolution of a state owing to

environmental circumstances is unusual, international law has faced instances when governments persisted in functioning notwithstanding the forfeiture of territorial authority (Shamsuddoha et al., 2024). Numerous historical instances demonstrate the preservation of legal personhood.

During World War II, governments in exile from conquered nations including Poland, France, and Belgium retained legal legitimacy despite their regions being under foreign authority (Arce et al., 2024). Their governments functioned from London or other secure locales, and their legal sovereignty was maintained by the international community. Sovereign Entities Lacking Territory: The Order of Malta, a recognized sovereign body, does not possess a defined physical state but maintains diplomatic ties with other nations and has observer status at the United Nations (UN). Likewise, the Holy See (Vatican), while having limited territory, is acknowledged globally as a sovereign body (Vona, 2021).

Legal academics suggest that states impacted by sea-level rise may create "governments-in-exile" or function as virtual states while maintaining representation at the UN and other international organizations (Azeem et al., 2025). This would maintain their sovereignty, legal rights, and international recognition, albeit without livable territory. Implementing such a model requires extensive international agreement and legislative modifications to address climate-induced loss of sovereignty.

A significant concern is the status of citizens from vanishing states. If a country loses its physical land, are its citizens become stateless, or may they maintain their nationality despite displacement? The 1954 Convention Relating to the Status of Stateless Persons defines a stateless individual as "one who is not recognized as a national by any state under its legal framework" (Gomes et al., 2024). If a vanishing state loses recognition, its populace may become effectively stateless, forfeiting privileges linked to nationality, including diplomatic protection, freedom of travel, and access to social and political rights.

Legal academics offer many remedies to avert widespread statelessness. Perpetuated Nationality Without Territory: States may persist in providing passports and identification papers within an internationally recognized legal framework, enabling its people to maintain their nationality despite migration (Echendu, 2023); Bilateral or Special Nationality Agreements: The international community might promote bilateral accords, enabling impacted persons to obtain dual nationality in host nations while retaining their original citizenship (Echendu, 2023); Proposed International Legal Status: Certain experts support the acknowledgment of a distinct protected status for persons from vanishing governments, safeguarding their rights and legal identity (Echendu, 2023). This may be accomplished by UN resolutions or modifications to current statelessness accords.

The legal acknowledgment and safeguarding of nations impacted by sea-level rise need enhanced international collaboration and legislative modifications. Numerous

international groups have begun tackling these issues (Bronen, 2022). The United Nations Human Rights Council (UNHRC) has acknowledged the peril climate change poses to human rights, urging enhanced legal protections for impacted populations; The Alliance of Small Island States (AOSIS) has championed the legal acknowledgment of vanishing states and amplified support for climate-affected nations; and The UN International Law Commission (ILC) has commenced an examination of the legal ramifications of sea-level rise, with the objective of formulating international guidelines for affected states. Nonetheless, these initiatives continue to be mostly disjointed and non-binding. In the absence of definitive legal agreements, the condition of states impacted by sea-level rise would remain ambiguous, rendering millions susceptible to statelessness, erosion of sovereignty, and political marginalization (Walelign & Lujala, 2022).

The vanishing of nations resulting from climate change-induced sea-level rise poses a significant challenge to current international legal systems. The conventional criteria for statehood, predicated on specified territory, may need reinterpretation to address nations with territorial extinction (Rahman et al., 2022). Although historical precedents provide some direction, a definitive legal framework for preserving sovereignty in the absence of territory is lacking. The predicament of citizens from vanishing governments prompts essential inquiries about nationality, statelessness, and the safeguarding of human rights.

The international community must contemplate legislative changes that maintain sovereignty, safeguard impacted people, and provide ongoing diplomatic recognition to tackle these issues (Thalheimer & Oh, 2023). This may include acknowledging governments-in-exile, enhancing safeguards for stateless individuals, or establishing a novel international legal status for climate-displaced people. As sea levels rise, proactive legal measures will be crucial to safeguarding the rights and sovereignty of impacted states in response to climate change.

What Protections Exist for People Displaced by Climate Change Under Refugee and Human Rights Law?

Climate change is increasingly acknowledged as a catalyst for forced migration, displacing millions as a result of rising sea levels, severe weather phenomena, desertification, and resource depletion. Numerous countries see climate-induced displacement; however, low-lying island nations and coastal towns confront an existential hazard, as rising sea levels jeopardize their existence, perhaps leaving them uninhabitable (Bronen, 2022). Notwithstanding the gravity of this problem, international law does not expressly classify climate-induced migrants as refugees, resulting in their legal ambiguity. The 1951 Refugee Convention defines refugees as those escaping persecution due to race, religion, nationality, affiliation with a certain social group, or political beliefs (Matanzima, 2024). As climate change does not fit these classifications, those compelled to move due to environmental circumstances are

not legally recognized as refugees and hence lack entitlement to international protection, asylum, or resettlement rights (Ghezelayagh et al., 2025).

The 1951 Refugee Convention and its 1967 Protocol are the foundation of international refugee protection. Nevertheless, its definition of a refugee is limited and focused on persecution, so excluding those displaced by environmental catastrophes, gradual climatic effects, and increasing sea levels (Dasgupta et al., 2022).

This exclusion presents many legal issues, including: **Absence of Legal ability to Asylum:** Individuals displaced by climate change are ineligible for refugee status, so lacking the ability to seek asylum or international protection; **Host States Are Not Legally Obligated to Accept Climate Migrants:** In contrast to political refugees, states are not mandated to permit entry, resettlement, or protection for individuals displaced by climate change; and **Challenges in Establishing Persecution:** Even when climate disasters are associated with governmental negligence or discriminatory practices (e.g., inadequate disaster relief), asserting persecution under the Refugee Convention proves challenging (Bronen, 2022).

Legal experts and politicians have deliberated on the potential expansion of the refugee concept to include climate-displaced individuals. Nonetheless, this enlargement encounters political opposition, as some governments apprehend that wider refugee criteria will amplify resettlement responsibilities. Moreover, climatic displacement is often slow and intricate, complicating the establishment of definitive causal connections between climate change and compelled relocation (Xu et al., 2023).

Given the inapplicability of the 1951 Refugee Convention, legal academics have investigated other frameworks that may provide protection for climate migrants. A number of essential legal mechanisms have been suggested: **Provisional Protection and Humanitarian Visas.** Certain jurisdictions have implemented provisional protective measures for those displaced by environmental catastrophes. The United States' Temporary Protected Status (TPS) provides provisional residence to persons from nations impacted by natural catastrophes or armed conflict. Nonetheless, TPS is optional and does not provide permanent legal status. New Zealand and Australia have investigated humanitarian visas for climate-displaced Pacific Islanders; however, these initiatives are restricted and lack legal enforceability (Xu et al., 2023). Although temporary protection offers immediate comfort, it fails to tackle the enduring displacement resulting from irreversible environmental damage, such rising sea levels. In the absence of permanent relocation options, climate migrants face legal ambiguity and the risk of statelessness.

International human rights legislation acknowledges the right to life, sufficient shelter, and freedom of movement, all of which are directly affected by climate-induced displacement. Significant treaties comprise: The Universal Declaration of Human Rights (UDHR) (right to life and dignity); The International Covenant on Civil and Political Rights (ICCPR) (right to freedom of movement); and The International Covenant on Economic, Social and Cultural Rights (ICESCR) (right to an adequate

standard of living). Nonetheless, these accords do not establish obligatory commitments for nations to welcome or relocate climate migrants. Although people may theoretically contest deportation on the grounds of human rights breaches, such assertions have had little success in judicial proceedings (Bronen, 2022).

The significant case, *Teitiota v. New Zealand* (2020), was a citizen of Kiribati seeking refuge in New Zealand as a result of increasing sea levels. The UN Human Rights Committee recognized that climate change poses a danger to the right to life; nonetheless, it determined that the applicant's circumstances did not satisfy the criteria for urgent risk (Luporini, 2023). This case underscored the legal and evidential obstacles in obtaining refuge solely on the basis of climate change.

Due to the constraints of international refugee legislation, regional and bilateral agreements have developed as alternate solutions: The Cartagena Declaration (1984) in Latin America broadened the concept of refugees to include anyone escaping "generalized violence and extensive human rights violations." The Pacific Access Category (PAC) Visa program in New Zealand facilitates the yearly migration of a limited number of Pacific Islanders from Tuvalu, Kiribati, Tonga, and Fiji, thus suggesting a framework for enhanced regional safeguards, but not specifically addressing climate change (Luporini, 2023). Nonetheless, PAC operates on a quota system and does not expressly acknowledge climate-induced displacement; conversely, the African Union's Kampala Convention (2009) pertains to the rights of internally displaced individuals (IDPs), including those affected by natural catastrophes. Although hopeful, it fails to provide safeguards for international climate migrants. Regional agreements provide pragmatic answers; nevertheless, they are not always applicable and rely on political will and diplomatic collaboration (Vanhala & Calliari, 2022).

Due to the insufficiency of existing frameworks, some researchers argue that a novel international legal instrument is essential to thoroughly address climate-induced displacement. Principal proposals include: a "Climate Refugee" Protocol to the 1951 Refugee Convention, broadening protections for those displaced by environmental factors; a Global Compact on Climate Migration, akin to the Global Compact for Migration (2018), to facilitate state collaboration and resettlement strategies; and a New UN Treaty on Climate Displacement, requiring states to recognize and protect climate migrants (Gomes et al., 2024).

Some countries have begun adapting their domestic legal frameworks to address this gap. New Zealand and Australia have explored humanitarian visas for Pacific Islanders affected by rising sea levels, although these remain discretionary rather than rights-based. Finland and Sweden have included "environmental displacement" as a basis for asylum in their migration policies, though practical implementation is limited. The United States' Temporary Protected Status (TPS) allows individuals from disaster-affected countries to remain temporarily, yet it lacks permanence. These national policies, while progressive, remain fragmented and non-binding at the

international level. Such initiatives face political and legal challenges, particularly concerning state sovereignty, immigration laws, and financial obligations. Strengthening international cooperation and integrating domestic legal best practices into a binding global framework will be crucial in ensuring long-term protections for climate-displaced populations (Chigudu, 2024).

Displacement caused by climate change is a significant legal and humanitarian concern of the 21st century. Nevertheless, current international refugee legislation, human rights law, and regional accords do not provide sufficient protection for climate migrants. In the absence of formal recognition, many displaced persons confront uncertainty, statelessness, and breaches of their human rights. To rectify these deficiencies, the international community must contemplate legal innovations, such as broadening refugee criteria, enhancing human rights safeguards, and formulating new legal instruments. As climate change increasingly displaces communities globally, international law must adapt to provide effective, equitable, and sustainable solutions for those compelled to leave their residences.

What Are the Gaps in the Current Legal System, and How Can They Be Addressed?

Climate change is a worldwide problem necessitating coordinated international efforts. Legal conversations about the loss of sovereignty and climate-induced relocation are essential (Bronen, 2022); nevertheless, they should be accompanied by institutional measures that promote collaboration, legal safeguards, and sustainable solutions. The difficulties presented by sea-level rise and climate displacement need a collaborative response from the international community, regional organizations, and global institutions, rather than being handled by individual nations in isolation (Thalheimer & Oh, 2023).

Current international legal frameworks, including the UN Framework Convention on Climate Change (UNFCCC), the Refugee Convention, and several human rights treaties, provide disjointed and inadequate safeguards for nations and people impacted by climate change. Institutional institutions, like the United Nations, regional organizations, and specific climate funds, are essential in formulating policies and providing assistance. Nonetheless, these organizations are deficient in solid legislative frameworks, sufficient budget, and efficient enforcement tools to comprehensively tackle the situation (Ghezelayagh et al., 2025).

Numerous international agencies and organizations have recognized the immediacy of climate-induced migration. Nonetheless, their replies have mostly been non-binding and policy-oriented rather than legally enforced. The United Nations High Commissioner for Refugees (UNHCR) is the principal entity tasked with safeguarding displaced individuals; yet, its authority is constrained by the 1951 Refugee Convention, which does not specifically address climate refugees. Notwithstanding this constraint, UNHCR has progressively participated in advocacy and policy recommendations concerning climate displacement, highlighting that

climate change functions as a “threat multiplier” that intensifies conflicts and migration. Nonetheless, in the absence of a legally enforceable extension of its mission, UNHCR is limited in its capacity to provide sustainable solutions for climate-displaced individuals. In contrast to refugees escaping persecution, climate migrants lack the entitlement to asylum, permanent relocation, or protection under UNHCR mandates (Rahman et al., 2022).

The UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement (2015) are the most extensive international initiatives to combat climate change and its socio-economic repercussions. Although these accords prioritize mitigation and adaptation, they fail to impose explicit legal responsibilities to safeguard those displaced by climate change. The 2010 Cancun Adaptation Framework acknowledged climate-induced migration as a significant concern, urging nations to establish plans to tackle displacement (Walelign et al., 2021). The 2015 Paris Agreement (Article 8) established the Warsaw International Mechanism (WIM) for Loss and Damage, which investigates financial and policy frameworks to support climate-vulnerable nations. Nonetheless, WIM lacks enforceable obligations, rendering its execution mostly reliant on voluntary donations from states. Although these programs recognize the humanitarian impacts of climate change, they lack the establishment of legally binding responsibilities for nations to safeguard displaced people or provide resettlement alternatives (Walelign & Lujala, 2022).

The International Organization for Migration (IOM) has been pivotal in investigating and promoting solutions to tackle climate-induced migration. The IOM Migration, Environment, and Climate Change (MECC) Division advocates for state-driven efforts, emphasizing migration as an adaptive strategy rather than only a humanitarian disaster. Although the IOM plays a crucial role in formulating migration policy, it does not possess the legal ability to enforce safeguards or impose relocation requirements for climate migrants. Its function is consultative and non-binding, depending on state collaboration instead of international legal responsibilities (Bronen, 2022).

In light of the sluggish advancement at the global scale, several regional organizations and state-driven efforts have arisen to tackle climate migration with more proactivity. The Pacific Islands Forum (PIF) and Regional Solutions for Submerging States. Pacific Island States, very susceptible to sea-level rise, have advocated for enhanced regional structures to mitigate displacement concerns (Thalheimer & Oh, 2023). The Pacific Islands Forum (PIF) has implored the international community to acknowledge the distinct risks confronting tiny island governments and to investigate solutions, including Preemptive Migration Agreements. New Zealand and Australia have been urged to provide permanent migration options for Pacific Islanders facing urgent threats, as well as to provide legal recognition for "deterritorialized states" (Matanzima, 2024). Certain experts argue that island states need to preserve statehood and sovereignty despite the loss of land,

therefore retaining exclusive economic zones (EEZs) and representation in the United States. Nevertheless, despite regional dialogues, no enforceable accord has been established to provide permanent resettlement avenues or legal statehood safeguards for vanishing island states.

The Kampala Convention and Africa's Strategy for Climate Displacement. The Kampala Convention (2009) of the African Union is one of the few legally enforceable frameworks that pertains to internally displaced people (IDPs), including those displaced by environmental catastrophes. Although it mostly addresses internal displacement, it provides a framework for regional collaboration on climate-induced migration. Other places, such as Latin America and Southeast Asia, have initiated the exploration of policy frameworks for climate relocation; nevertheless, implementation is patchy and scattered (Bronen, 2022).

Mitigating climate-induced displacement requires substantial financial resources for adaptation, migratory support, and legal safeguards. Nonetheless, existing financial methods are inadequate. The Green Climate Fund (GCF), created under the UNFCCC, allocates funding for climate adaptation projects but does not specifically support migration or displacement initiatives. The Loss and Damage Fund, proposed at the 2022 UN Climate Summit (COP27), seeks to offer financial aid to nations experiencing irreversible climate impacts, although specifics regarding funding distribution are ambiguous. The absence of reliable and enforceable financial pledges obstructs climate-vulnerable countries from effectively planning for displacement, relocation, and adaptation plans (Echendu, 2023).

Certain scientists and politicians propose the establishment of a specialized Climate Displacement Fund, which would: Furnish financial assistance for climate-induced migrants; Aid in organized relocation initiatives; and Provide compensation to nations experiencing territorial loss. Nevertheless, these initiatives encounter considerable political opposition, as affluent countries apprehend potential legal accountability for climate-related losses.

The reaction of international institutions and legal frameworks to climate-induced displacement is disjointed, inadequate, and mostly non-binding. Although organizations like the UNHCR, IOM, and UNFCCC recognize the seriousness of the problem, they lack binding legal frameworks to safeguard those displaced by climate change. Regional efforts, especially in the Pacific Islands and Africa, provide interesting examples but need more international support and legal commitments. The lack of specific financial and legal frameworks renders climate migrants legally and humanitarily vulnerable (Bronen, 2022).

To facilitate a successful global response, the international community must: Enhance legal protections for climate migrants via broadened refugee categories or novel legal instruments; Establish enforceable international commitments for statehood recognition and migratory corridors; and Establish robust financial frameworks to facilitate adaptation, relocation, and compensation for loss and

damage. In the absence of immediate legislative and institutional changes, climate displacement will persist as an unresolved humanitarian issue, leaving millions of at-risk persons without sufficient protection or legal remedies.

CONCLUSION

The escalating danger of sea-level rise presents unparalleled legal issues under international law, especially concerning the sovereignty and legal status of impacted nations. International law largely defines statehood via territorial integrity but lacks a definitive method to manage the continuation of nations that forfeit their physical territory. Ongoing legal deliberations provide potential frameworks, such as ex-situ sovereignty, acknowledgment of deterritorialized governments, or sustained Exclusive Economic Zone (EEZ) rights; nonetheless, a binding international consensus remains unattained. In the absence of immediate legislative changes, nations at danger of submersion may forfeit their international legitimacy, identity, and political agency, resulting in a crisis of statelessness for both individuals and governments.

Likewise, climate-induced displacement is a significant deficiency in international refugee and human rights legislation. The 1951 Refugee Convention fails to acknowledge climate migrants as refugees, so denying them legal protections, asylum rights, and certain relocation options. Although human rights legislation offers some safeguards, like the non-refoulement principle and responsibilities under the ICCPR and UDHR, these frameworks are fragmented, non-binding, and enforced inconsistently. Regional accords, such as the Kampala Convention and Pacific Access Category visa, provide inadequate remedies; but a comprehensive legal framework is essential to provide enduring, systematic protection for communities affected by climate change.

Rectifying these deficiencies requires extensive legal, institutional, and financial changes. Broadening the legal concept of refugees, acknowledging deterritorialized governments, and creating a binding legal framework for climate migrants are essential first measures. Moreover, enhanced regional and bilateral agreements, financial compensation systems, and a Climate Displacement Fund might provide tangible and urgent assistance. Ultimately, climate displacement transcends legal considerations, representing a basic problem of human rights, global justice, and international accountability. In the absence of prompt and enforceable commitments, the international community jeopardizes the welfare of millions of displaced people and whole countries on the verge of extinction.

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