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Secção I

Investigação Científica*

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Beyond Borders: Exploring International Law and Climate-induced Migration in Small Island Developing States

Para além das Fronteiras: Explorando o Direito Internacional e a Migração induzida pelo Clima nos Pequenos Estados Insulares em Desenvolvimento

Junaid UI SHAFI¹

ABSTRACT: Climate change is recognized as a profound challenge of the modern era, with documented impacts on natural and social systems that link environmental vulnerability directly to human lives and livelihoods. Among the myriad consequences of climate change, migration emerges as a significant and evolving issue, driven by a complex interplay of environmental and socioeconomic factors. This paper examines the nexus between climate change and human mobility, with a particular emphasis on the consequences for individuals and disadvantaged communities, especially within Small Island Developing States (SIDS). These states face unique challenges, where climate change threatens livelihoods, ecosystems, economies and habitability, often forcing displacement despite their minimal contributions to global greenhouse gas emissions. Through a comprehensive analysis of the complex intersection of climate change, migration, and legal and policy responses, this paper advocates for a collaborative transnational law approach to address the multifaceted challenges posed by climate-induced migration. This paper advocates for a collaborative approach rooted in transnational law to tackle the multifaceted challenges of climate-induced migration. The urgency necessitates international collaboration on mitigation, adaptation strategies like artificial islands, and legal frameworks to address this multifaceted challenge and safeguard the rights of those facing unprecedented environmental upheaval.

KEYWORDS: Climate change; migration; small island states; environmental vulnerability; adaptation; legal frameworks.

RESUMO: As alterações climáticas são reconhecidas como um profundo desafio da era moderna, com impactos documentados nos sistemas naturais e sociais que ligam a vulnerabilidade ambiental diretamente às vidas e meios de subsistência humanos. Entre as inúmeras consequências das alterações climáticas, a migração surge como uma questão significativa e em evolução, impulsionada por uma interação complexa de factores ambientais e socioeconómicos. O presente documento examina a relação entre as alterações climáticas e a mobilidade humana, com especial ênfase nas consequências para os indivíduos e as comunidades desfavorecidas, especialmente nos pequenos Estados insulares em desenvolvimento (PEID). Estes Estados enfrentam desafios únicos, em que as alterações climáticas ameaçam os meios de subsistência, os ecossistemas, as economias e a habitabilidade, forçando frequentemente a deslocação, apesar das suas contribuições mínimas para as emissões globais de gases com efeito de estufa. Através de uma análise abrangente da complexa intersecção entre as alterações climáticas, a migração e as respostas jurídicas e políticas, este documento defende uma abordagem jurídica transnacional colaborativa para enfrentar os desafios multifacetados colocados pela migração induzida pelo clima. Este documento defende uma abordagem colaborativa baseada no direito transnacional para enfrentar os desafios multifacetados da migração induzida pelo clima. A urgência exige uma colaboração internacional em matéria de mitigação, estratégias de adaptação, como as

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ilhas artificiais, e quadros jurídicos para enfrentar este desafio multifacetado e salvaguardar os direitos das pessoas que enfrentam uma perturbação ambiental sem precedentes.

PALAVRAS-CHAVE: Alterações climáticas; migração; pequenos Estados insulares; vulnerabilidade ambiental; adaptação; quadros jurídicos.

Introduction

Climate Change is an undeniable challenge of Present era. A growing body of scientific evidence, documented in recent reports and studies, irrefutably establishes a causal link between anthropogenic climate change and heightened environmental vulnerability.² The escalating individual and cumulative impacts of climate change pose significant challenges to human well-being and livelihood security, consequently triggering large-scale mass movements within and across territorial borders around the Globe.³ This paper examines the complex interplay between climate change and migration, with a particular focus on Small Island Developing States (SIDS), which confront existential threats arising from rising sea levels, extreme weather events, and other climate-related phenomena. These island states, despite their minimal contributions to global greenhouse gas emissions, find themselves disproportionately impacted by the consequences of climate change, facing threats to their very existence.

The objective of this paper is to analyse the multifaceted environmental, social, and economic factors that drive climate-induced migration. It will also assess the unique challenges confronting SIDS and propose a collaborative transnational legal framework to address these pressing issues. Through this exploration, the paper aims to contribute to the development of effective strategies for mitigating the impacts of climate change on vulnerable populations and ensuring the protection of their rights.

Climate Change and Mobility: A Growing Crisis of Displacement

The looming Spectrum of climate-induced displacement highlights an urgent crisis, where rising seas and extreme weather threaten not only habitats but the very fabric of societies. Anthropogenic climate change presently constitutes, and demonstrably will remain for the foreseeable future, a primary

² Cuevas, Sining C. "Climate change, vulnerability, and risk linkages." *International Journal of Climate Change Strategies and Management* 3, no. 1 (2011): 29-60. <https://doi.org/10.1108/17568691111107934>.

³ Laczko, F. "Migration, Environment and Climate Change: Assessing the Evidence. Marseille." *International Organization for Migration* (2010).

catalyst for human population displacement.⁴ The field of environmental governance and migration studies have, until recently, largely neglected the issue of climate-induced migration and displacement.⁵ Despite the IPCC's 1990 warning that human migration may be one of climate change's most significant repercussions, the UNHCR projects that between 50 and 200 million people may be internally or internationally displaced by 2050.⁶ While estimates regarding the potential number of individuals displaced by climate change by 2050 range widely, with figures as high as 200 million and as low as 1 billion,⁷ the predictive power of these estimations is significantly constrained.⁸ The inherent variability in these figures stems from the diverse underlying methodologies, scenarios, timeframes, and assumptions employed in their construction.⁹ Furthermore, the validity of these alarming figures has been contested by various scholars, who point to methodological shortcomings and inherent limitations in the data used.¹⁰ In several countries, it is internal migration or resettlement within their own countries. The World Economic Forum's 2016 Global Risks Report identified the inadequacy of climate change mitigation and adaptation strategies as the most significant threat to human well-being now and in the future. Migration is a complex idea, and it is not clear when a person migrates because of climate change as migration result from complex reasons often interlinked with each other. Myers posits that poverty-driven migration is often intertwined with environmental factors that contribute to a state of "environmental destitution".¹¹ In essence, environmental degradation and resource depletion significantly

⁴ Warner, Koko. "Global environmental change and migration: Governance challenges." *Global environmental change* 20, no. 3 (2010): 402-413. <https://doi.org/10.1016/j.gloenvcha.2009.12.001>

⁵ Mikulewicz, Michael, and Karin Helwig. "Routledge Handbook of Climate Justice." (2019).

⁶ UNHCR, 'Forced Migration in the Context of Climate Change: Challenges for States under International Law' (2009) 3.

⁷ Holland, Elisabeth A., M. Garschagen, C. Adler, S. Crate, Helene Jacot des Combes, B. Glavovic, S. Harper et al. "Special Report on Oceans and Cryosphere in a Changing Climate." (2022).

⁸ Beine, Michel, and Lionel Jeusette. "A meta-analysis of the literature on climate change and migration." *Journal of Demographic Economics* 87, no. 3 (2021): 293-344. <https://doi.org/10.1017/dem.2019.22>.

⁹ Biermann, Frank, and Ingrid Boas. "Preparing for a warmer world: Towards a global governance system to protect climate refugees." *Global environmental politics* 10, no. 1 (2010): 60-88. <https://doi.org/10.1162/glep.2010.10.1.60>.

¹⁰ Eklund, Lina, Clemens Romankiewicz, Martin Brandt, Martin Doevenspeck, and Cyrus Samimi. "Data and methods in the environment-migration nexus: a scale perspective." *DIE ERDE—Journal of the Geographical Society of Berlin* 147, no. 2 (2016): 139-152. <https://doi.org/10.12854/erde-147-10>.

¹¹ Myers, Norman. *Environmental refugees: an emergent security issue*. 2005.

influence economic development and vulnerability, ultimately impacting migration decisions. Myer's estimates regarding "environmental refugees" are primarily driven by three factors: population growth, rising sea levels, and a surge in extreme weather events¹². Developing countries are particularly susceptible to climate change due to a confluence of factors: high population growth, pre-existing vulnerability to environmental change stemming from inadequate governance, and prevalent developmental inequalities.¹³ Inhabitants of densely populated, low-lying areas face a heightened risk of forced displacement due to the combined effects of sea level rise, intensified extreme weather events, flooding, and soil salinization.¹⁴

Climate Change and Small Island States

Islands around the world are increasingly facing significant threats due to climate change. Rising sea levels, more frequent and intense storms, coastal erosion, and ocean acidification are among the challenges these islands confront. The unique geography and delicate ecosystems of islands make them particularly vulnerable to the impacts of climate change, posing risks to their biodiversity, communities, and economies. The urgency of climate action is underscored by the projected severity of future changes, exceeding the capacity of existing societal structures.¹⁵ Small Island Developing States (SIDS) occupy a unique position, often serving as a stark illustration of climate change's immediate effects.¹⁶ Notably, roughly 20% of UN members are SIDS, forming a collaborative body known as the Alliance of Small Island States (AOSIS).¹⁷ These island nations, despite minimal contributions to global emissions, face extreme

¹² Myers, Norman. "Environmental refugees: a growing phenomenon of the 21st century." *Philosophical Transactions of the Royal Society of London. Series B: Biological Sciences* 357, no. 1420 (2002): 609-613. <https://doi.org/10.1098/rstb.2001.0953>

¹³ Morrissey, James, and Queen Elizabeth House. "Environmental change and forced migration." (2009): 2018.

¹⁴ McLeman, Robert. "Migration and displacement risks due to mean sea-level rise." *Bulletin of the Atomic Scientists* 74, no. 3 (2018): 148-154. <https://doi.org/10.1080/00963402.2018.1461951>

¹⁵ Hallegatte, Stéphane. "Strategies to adapt to an uncertain climate change." *Global environmental change* 19, no. 2 (2009): 240-247. <https://doi.org/10.1016/j.gloenvcha.2008.12.003>

¹⁶ Campbell, John, and Jon Barnett. *Climate change and small island states: power, knowledge and the South Pacific*. Routledge, 2010. <https://doi.org/10.4324/9781849774895>

¹⁷ Formosa, Saviour, Lino Briguglio, and Stefano Moncada. "Assessing the vulnerability of small island developing states to sea-level rise." (2017). <https://www.um.edu.mt/library/oar/handle/123456789/28411>

vulnerability due to their limited adaptation capabilities.¹⁸ The IPCC reports highlight SIDS, alongside Africa, Asian mega-deltas, and polar regions, as areas most susceptible to climate change impacts. Scientists emphasize a critical threshold: limiting global warming to 1.5°C above pre-industrial levels.¹⁹ Surpassing this point could result in irreversible social displacement and significant economic and environmental losses for SIDS.²⁰

Small island countries or small island developing states contribute less than 1% to the world's greenhouse gas emission but are first to experience the worst and most devastating impacts of climate change.²¹ Countries like Maldives, Kiribati, Tuvalu, Dominica, and the Marshall Islands, etc. are battling for their existence. The Intergovernmental Panel on Climate Change (IPCC)'s 2018 adaptation report starkly reaffirmed earlier scientific forecasts, dating back to 1990. The report highlights the perilous situation faced by small islands in the Pacific and Indian Oceans, where rising sea levels pose an existential threat. These regions experience a quadrupled rate of sea level rise compared to the global average, with some areas potentially facing extensive or even complete submergence within a few decades.²² The Solomon Islands, an archipelago state of roughly 640,000 inhabitants located approximately 1,600 kilometres northeast of Australia, exemplifies the devastating consequences of rising sea levels. In 2016, five of its smaller islands succumbed to submergence. In 2018 a Hawaiian island was submerged raising alarms. Events like these which were speculated in the past are now realities and questions of existence for several communities and states. These cases have alarmed people of small island developing states looking for solutions in desperation. Despite open access to climate change

¹⁸ Petzold, Jan, and Alexandre K. Magnan. "Climate change: thinking small islands beyond Small Island Developing States (SIDS)." *Climatic change* 152, no. 1 (2019): 145-165. <https://doi.org/10.1007/s10584-018-2363-3>

¹⁹ Arnall, Alex, Uma Kothari, and Ilan Kelman. "Introduction to politics of climate change: discourses of policy and practice in developing countries." *The Geographical Journal* 180, no. 2 (2014): 98-101. <https://www.istor.org/stable/43868594>

²⁰ Tschakert, Petra. "1.5 C or 2 C: a conduit's view from the science-policy interface at COP20 in Lima, Peru." *Climate change responses* 2 (2015): 1-11. Tschakert, Petra. "1.5 C or 2 C: a conduit's view from the science-policy interface at COP20 in Lima, Peru." *Climate change responses* 2 (2015): 1-11.

²¹ Nurse, Leonard A., Graham Sem, John E. Hay, Avelino G. Suarez, Poh Poh Wong, Lino Briguglio, and Sachooda Ragoonaden. "Small island states." *Climate change* (2001): 843-875. https://www-iam.nies.go.jp/aim/india0210/cc_papers/ipccreports/climate_change_2001/working_group2/WG2_full_report.pdf#page=853

²² Yamamoto, Lilian, and Miguel Esteban. "Vanishing island states and sovereignty." *Ocean & Coastal Management* 53, no. 1 (2010): 1-9. <https://doi.org/10.1115/OMAE2024-123759>

information in developed nations of the Global North, the issue remains contested,²³ and public concern appears surprisingly low.²⁴ However, the people living in Small Island developing states (SIDS) do not have the luxury of ignoring the issue of climate change as the future of their states and communities is at stake.

Climate change inundation, a multifaceted phenomenon encompassing rising sea levels, intensified storm surges, and altered precipitation patterns, acts as a threat multiplier, exacerbating existing vulnerabilities such as poverty, remoteness, resource scarcity, and inadequate infrastructure. These combined factors ultimately render these island states, exemplified by Kiribati, Tuvalu, and the Maldives, uninhabitable. The gravity and immediacy of the problem necessitate a swift and decisive response. While the international community, embodied by the United Nations member states, remains engaged in protracted deliberations regarding the degree of carbon emission reductions and other mitigation measures to address climate change, certain island states are already taking proactive steps to safeguard their continued existence as distinct communities and sovereign entities.²⁵ In the words of Anote Tong (Former president of Kiribati) 'We are not talking about reducing carbon emissions because we're already beyond that stage. What we need is urgent action to address the foreseeable threat of climate change inundation'

The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report identifies Small Island Developing States (SIDS) as particularly susceptible to climate change impacts. Moreover, a significant adaptation gap exists within SIDS, necessitating urgent action to bolster their resilience against climate change and its associated variability.²⁶ While numerous states are already feeling the deleterious effects of climate change, Small Island Developing States (SIDS) face a particularly acute threat. The United Nations

²³ Maibach, Edward, Teresa Myers, and Anthony Leiserowitz. "Climate scientists need to set the record straight: There is a scientific consensus that human-caused climate change is happening." *Earth's Future* 2, no. 5 (2014): 295-298. <https://doi.org/10.1002/2013EF000226>

²⁴ Ratter, Beate MW, Katharina HI Philipp, and Hans von Storch. "Between hype and decline: recent trends in public perception of climate change." *Environmental Science & Policy* 18 (2012): 3-8. <https://doi.org/10.1016/j.envsci.2011.12.007>

²⁵ Poti, Meenakshi, Jean Hugé, Kartik Shanker, Nico Koedam, and Farid Dahdouh-Guebas. "Learning from small islands in the Western Indian Ocean (WIO): A systematic review of responses to environmental change." *Ocean & Coastal Management* 227 (2022): 106268. <https://doi.org/10.1016/j.ocecoaman.2022.106268>

²⁶ Weir, Tony. "Adaptation in small islands: research themes and gaps." *Managing climate change adaptation in the Pacific region* (2020): 45-68. https://doi.org/10.1007/978-3-030-40552-6_3

Framework Convention on Climate Change (UNFCCC, 2005) underscores the grave peril Small Island Developing States (SIDS) face due to relentlessly rising sea levels and a heightened frequency of severe weather events. These environmental disruptions have far-reaching consequences, including the disruption of vital ecosystems, compromised public health outcomes, deteriorating air, water, and soil quality, and the devastation of critical infrastructure. The synergistic effects of these factors threaten to render numerous SIDS uninhabitable before the arrival of 22nd Century.²⁷ The displacement of nationals from these states presents the international community with a multitude of novel challenges, extending far beyond the issue of large-scale population movements. More specifically, the potential inundation of these island states raises a spectre of unprecedented legal complexity: statelessness arising from the unprecedented disappearance of a state's territory.²⁸ The issue of climate change induced displacement of people living in vulnerable SIDS is different from those people who are being displaced or likely to be displaced in other countries.²⁹ Although, the reasons for climate change migration and displacement are complex, in the case of SIDS like the Maldives, Tuvalu, etc, effects of rising sea levels and ocean warming and acidification on the coral reefs, freshwater lenses, arable land, and coastal infrastructure will make these islands uninhabitable. A critical distinction between climate change-induced inundation and other displacement drivers lies in the former's potential to threaten the territorial integrity, sovereignty, and international legal personhood of existing states. Such a scenario would have significant repercussions for the social, economic, legal and other rights of their citizens.³⁰ The 1948 Universal Declaration of Human Rights enshrines the right to freedom of movement and the right of return in Article 13. "Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any

²⁷ Thomas, Adelle, and Lisa Benjamin. "Policies and mechanisms to address climate-induced migration and displacement in Pacific and Caribbean small island developing states." *International Journal of Climate Change Strategies and Management* 10, no. 1 (2018): 86-104. https://doi.org/10.1007/978-3-030-40552-6_3

²⁸ McAdam, Jane. "'Disappearing states', statelessness and the boundaries of international law." *Statelessness and the Boundaries of International Law (January 21, 2010)*. UNSW Law Research Paper 2010-2 (2010).

²⁹ Islam, M. Rafiqul, and Jahid Hossain Bhuiyan, eds. *An introduction to international refugee law*. Martinus Nijhoff Publishers, 2013.

³⁰ Jolly, Stellina, and Nafees Ahmad. *Climate Refugees in South Asia*. Springer, 2019. <https://doi.org/10.1007/978-981-13-3137-4>

country, including his own, and to return to his country. Article 12, of the International Covenant on Civil and Political Rights, advances the argument “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Article 12 further guarantees the right “to leave any country, including his own”. The legal principles enshrined in the above-stated articles are under threat if small island states get submerged under water or become uninhabitable due to water scarcity, frequent cyclones, or acidification of water. What will happen to the guarantee of a right to residence of choice and right to return when there will be no place to return to?

While low-lying island nations are undeniably vulnerable to becoming uninhabitable due to climate change, their citizens are not the sole demographic facing the prospect of displacement. A recent study by researchers underscores the wider threat, predicting that rising temperatures in the Middle East and North Africa (MENA), a region exceeding 500 million inhabitants, will reach levels compromising habitability regardless of our success in mitigating global warming through greenhouse gas emission reduction.³¹ This projected rise in temperatures, compounded by heightened air pollution from desert dust and a drastic increase in the duration of heat waves will pose significant challenges to sustaining existing populations within the MENA region.³² The plight of Small Island Developing States (SIDS) highlights an urgent need for comprehensive international action to address the multifaceted challenges posed by climate change.

Facing the Rising Tide: Legal Protections for Climate-Induced Migrants

In the context of a changing climate, the distinction between migration and displacement blurs, raising crucial questions about the rights and protections of those forced to leave their homes due to environmental degradation. The relationship between climate-induced displacement and climate-induced

³¹ Lelieveld, Johannes, Yiannis Proestos, Panos Hadjinicolaou, Meryem Tanarhte, Evangelos Tyrlis, and George Zittis. "Strongly increasing heat extremes in the Middle East and North Africa (MENA) in the 21st century." *Climatic Change* 137, no. 1 (2016): 245-260. <https://doi.org/10.1007/s10584-016-1665-6>

³² Elasha, Balgis Osman. "Mapping of climate change threats and human development impacts in the Arab region." *UNDP Arab Development Report—Research Paper Series, UNDP Regional Bureau for the Arab States* (2010). <https://arab-hdr.org/wp-content/uploads/2020/12/paper02-en.pdf>

migration is now well established. While a comprehensive body of international instruments exists, encompassing forced migration, internal displacement, and climate change, the current legal framework lacks a specific mechanism for protecting individuals displaced due to climate change.³³ The international community struggles to establish a unified definition for climate change migration due to divergent perspectives on its causes and connections to broader migration patterns.³⁴ Attributing displacement solely to climate change is challenging, as it often acts as a complex interplay with other factors influencing migration decisions.³⁵ The inherent unpredictability of climate change impacts further complicates accurate estimations of its influence on human mobility³⁶ leading to significant uncertainty regarding the number of climate-induced migrants.³⁷

The African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) and the UN Guiding Principles on Internal Displacement are insufficient for addressing climate-induced displacement in Small Island Developing States (SIDS). These frameworks primarily focus on displacement due to conflict, human rights violations, or sudden natural disasters, and do not adequately address the unique challenges posed by slow-onset climate change impacts, such as rising sea levels and land loss. They lack provisions for climate refugees, cross-border displacement, and planned relocation, which are critical for SIDS facing existential threats.³⁸ Additionally, both frameworks offer non-binding guidance, fail to establish legal obligations for climate adaptation, and do not provide sufficient support for large-scale relocation or compensation for environmental

³³ Bradley, Megan, and Roberta Cohen. "Disasters and displacement: Gaps in protection." *Journal of International Humanitarian Legal Studies* 1, no. 1 (2010): 95-142. <https://doi.org/10.1163/187815210X12766020139884>

³⁴ Omerziri, Eric, and Christopher Gore. "Temporary measures: Canadian refugee policy and environmental migration." *Refuge* 29 (2012): 43.

³⁵ Thornton, Fanny. *Climate change and people on the move: international law and justice*. Oxford University Press, 2018.

³⁶ Resurrección, Bernadette P. "Discourses that hide: Gender, migration and security in climate change." C, Brun, B. Piers, & M. Jones, (Eds.), *Alternative Development: Unraveling Marginalization, Voicing Change* (2016): 219-242.

³⁷ Offner, Sophie, and Jay Marlowe. "Reconceptualising climate-induced displacement in the context of terminological uncertainty." *Environmental Hazards* 20, no. 5 (2021): 477-492. <https://doi.org/10.1080/17477891.2020.1867492>

³⁸ Alfredo dos santos Soares. "Displaced by environmental disasters: evaluating the Kampala Convention's (in)effectiveness ten years after it came into force". *Revista Catalana de Dret Ambiental* (2023). <https://doi.org/10.17345/rcda3610>

loss.³⁹ As a result, SIDS remain vulnerable without the necessary legal protections or resources to manage climate-induced displacement effectively.

In 2015, the New Zealand High Court issued a landmark decision in the case of *Ioane Teitiota*, a Kiribati national and farmer-fisherman who sought refuge and refugee status for himself and his family.⁴⁰ Initially, Teitiota asserted his claim for protection in a 2011 court appeal, contending that his island birthplace was no longer capable of ensuring the safety and health of himself and his family due to environmental degradation from rising sea levels and the ongoing threat of climate change.⁴¹ Teitiota's legal representatives argued that he and his family faced imminent harm and danger if protection was not granted. Despite the New Zealand Supreme Court's acknowledgment that a case could be made for recognizing individuals as "climate refugees," Teitiota was deported in September 2015.⁴² The court recognized climate change as a matter of significant concern for the international community. Nonetheless, the court justified its denial of Teitiota's protection and asylum claims by citing the inapplicability of the 1951 Refugee Convention and its 1967 Protocol to cases solely involving climate-induced displacement. This decision underscores the limitations of existing international refugee law in confronting the intricate challenges posed by climate change-induced displacement.⁴³ Richard Black aptly highlighted the lack of consensus surrounding the terminology of "environmental refugees" and "environmental migrants,"⁴⁴ highlighting the absence of a clear and universally accepted definition for these categories.⁴⁵ The International Organization for Migration (IOM) offers a working definition for environmental migrants, encompassing individuals compelled to leave their habitual residences

³⁹ Ahmad, Nafees. "Internally Displaced Persons and International Refugee Law: Protection gaps, challenges and implementation in practice." *King's Student L. Rev.* 8 (2017): 94.

⁴⁰ Ragheboom, H el ene. "The international legal status and protection of environmentally-displaced persons: a European perspective." In *The International Legal Status and Protection of Environmentally Displaced Persons: A European Perspective*. Brill Nijhoff, 2017.

⁴¹ Fauziyah, Najla Nur. "The Legal Status And Legal Protection Towards Climate Refugees Under International Law: A Study Of Ioane Teitiota Case." *Belli Ac Pacis (Jurnal Hukum Internasional)* 8, no. 1: 71-78. <https://doi.org/10.20961/belli.v8i1.68785>

⁴² Bergova, Ivanka. "Environmental migration and asylum: *Ioane teitiota v. New Zealand*." *Justice System Journal* 42, no. 2 (2021): 222-224. <https://doi.org/10.1080/0098261X.2021.1994796>

⁴³ Bhardwaj, Chhaya. "*Ioane Teitiota v New Zealand*, CCPR/C/127/D/2728/2016, UN Human Rights Committee (HRC), 7 January 2020." *Environmental Law Review* 23, no. 3 (2021): 263-271. <https://doi.org/10.1177/14614529211039469>

⁴⁴ Black, Richard. "Environmental refugees: myth or reality?" (2001). <http://eprints.soas.ac.uk/18197/>

⁴⁵ Trindade, Judge Ant nio Augusto Can ado, Antonio Augusto, and Dami n A. Gonz lez-Salzberg. *International Law of Human Rights*. Oxford University Press, 2024.

due to sudden or gradual environmental changes that negatively impact their lives or living conditions. This definition encompasses both voluntary and involuntary displacement, temporary or permanent, and applies to movements within national borders or across them.⁴⁶

The term "climate migrant" originated within the climate change scientific community. Researchers, aiming to highlight the gravity of climate change, sought to draw an analogy between projected future migration patterns driven by climate change and the displacement experienced by contemporary political refugees. This term has since gained significant traction within the media. Furthermore, human rights organizations have lent their support, arguing for the recognition of climate change migrants as facing a situation akin to that of political refugees.⁴⁷

The most widely cited definition of "environmental refugee" originates from Essam El-Hinnawi, a researcher with the United Nations Environment Programme (UNEP) in 1985.⁴⁸ Formulated in the wake of the mass displacements triggered by the Bhopal gas leak⁴⁹ in India and the Chernobyl nuclear disaster,⁵⁰ El-Hinnawi's definition encompasses "those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life".⁵¹ Currently, no universally recognized legal status exists for "climate change refugees," nor is there a comprehensive framework to safeguard their rights. While scholars and governments largely concur, the term "refugee" is deemed inappropriate in this context due to the absence of a legal foundation within international refugee law.⁵² Within the existing framework of international law, the

⁴⁶ Int'l Org. for Migration, Migration, Climate Change and Environmental Degradation: A Complex Nexus, <http://www.iom.int/jahia/Jahia/complex-nexus> (last visited May 3, 2024).

⁴⁷ Gemenne, François. "The Anthropocene and its victims." In *The Anthropocene and the global environmental crisis*, pp. 168-174. Routledge, 2015.

⁴⁸ Boon, Emmanuel K., and Tran Le Tra. "Are Environmental Refugees Refused?" *Studies of Tribes and Tribals* 5, no. 2 (2007): 85-95. <https://www.tandfonline.com/doi/abs/10.1080/0972639X.2007.11886568>

⁴⁹ Deb, Nikhil. "Slow violence and the Gas Peedit in neoliberal India." *Social problems* 70, no. 4 (2023): 1085-1103. <https://doi.org/10.1093/socpro/spab058>

⁵⁰ Shrader-Frechette, Kristin. "Chernobyl, global environmental injustice and mutagenic threats." In *Global Ethics and Environment*, pp. 70-89. Routledge, 2002.

⁵¹ El-Hinnawi, Essam. *UNEP: Two Decades of Achievement and Challenge. 20 Years*. 1992.

⁵² Nishimura, Lauren. "Climate change migrants: Impediments to a protection framework and the need to incorporate migration into climate change adaptation strategies." *International Journal of Refugee Law* 27, no. 1 (2015): 107-134. <https://doi.org/10.1093/ijrl/eev002>

legal protections afforded to individuals displaced across international borders due to the effects of climate change are demonstrably circumscribed, fragmented, and lacking in binding force. In the aftermath of short-term disasters, international migration often remains unprotected, with recourse limited to exceptional humanitarian visas and discretionary state-specific measures such as the United States' Temporary Protected Status designation.⁵³ However, these protections are inherently provisional and devoid of a legally binding character. Similarly, long-term climate-induced displacement falls outside the scope of existing legal frameworks, with the sole exception being situations where local governments demonstrably deny essential support based on discriminatory grounds such as race, religion, social group affiliation, or political opinion.⁵⁴

The 1951 Refugee Convention defines a refugee as someone who has fled their country of origin and is unable or unwilling to return due to a well-founded fear of persecution.⁵⁵ The 1951 Refugee Convention defines refugee status based on two core principles: "persecution" and "on account of." An individual must demonstrate a well-founded fear of persecution on the grounds of race, religion, nationality, membership in a particular social group, or political opinion to qualify for refugee status.⁵⁶ While the concept of "persecution" lacks a universally agreed-upon definition, it's generally understood to involve severe mistreatment, either perpetrated or condoned by the country of origin, highlighting its political nature.⁵⁷ Consequently, the Refugee Convention excludes those fleeing natural disasters, including climate change impacts, from refugee status.⁵⁸ Despite acknowledging the inherent inequity of their circumstances, many SIDS governments adamantly reject the "refugee" designation. They contend that their citizens are not experiencing persecution, and most islanders have no desire to

⁵³ Uriarte, Paola. "Discretionary Reform: Prosecutorial Discretion as the Only Effective Immigration Reform in Today's Polarized Congress." *Brook. L. Rev.* 79 (2013): 901. <https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?article=1042&context=blr>

⁵⁴ Murray, Kate E., and David M. Marx. "Attitudes toward unauthorized immigrants, authorized immigrants, and refugees." *Cultural Diversity and Ethnic Minority Psychology* 19, no. 3 (2013): 332.

⁵⁵ Refugee Convention, 1951, p. 14.

⁵⁶ Cooper, Jessica B. "Environmental refugees: Meeting the requirements of the refugee definition." *NYU Env'tl. LJ* 6 (1997): 480. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/nyuev6&div=26&id=&page=>

⁵⁷ Zetter, Roger. "Labelling refugees: Forming and transforming a bureaucratic identity." *Journal of refugee studies* 4, no. 1 (1991): 39-62. <https://doi.org/10.1093/jrs/4.1.39>

⁵⁸ Canada (AG) v Ward, [1993] 2 S.C.R. 689.

be characterized as compelled to abandon their homelands.⁵⁹ As climate impacts intensify, it is crucial to establish inclusive definitions and legal protections for climate migrants' rights. A unified approach among nations, supported by clear international guidelines, is essential for ensuring that affected individuals can secure safety and uphold their dignity amid a rapidly changing environment. Without decisive action, the rights and livelihoods of many remain vulnerable, highlighting the urgent need for a concerted global response to this crisis.

Reimagining Legal Frameworks for Climate Change Displacement

The escalating impacts of climate change are driving unprecedented levels of migration, yet existing frameworks struggle to address the complexities and urgent needs of those displaced effectively. Existing frameworks for climate change migration have significant deficiencies. Regional initiatives, such as those by the Pacific Islands Forum (PIF) and the Caribbean Community (CARICOM), have made notable progress in recognizing the urgency of climate mobility. However, these initiatives often lack binding commitments and comprehensive enforcement mechanisms necessary for meaningful action. For instance, the PIF's 2018 Boe Declaration on Regional Security identifies climate change as a major security threat; however, it primarily serves as a declarative statement rather than a legally enforceable framework.⁶⁰ Similarly, there has been limited success of CARICOM in ensuring food security⁶¹ in Caribbeans or enhancing regional integration.⁶² This limitation restricts the ability of member states to coordinate their responses effectively, resulting in fragmented efforts that fail to adequately address the needs of displaced populations.

While national adaptation plans are increasingly acknowledged, they often fall short in both implementation and scope. Countries like Fiji and Vanuatu have started to incorporate migration considerations into their adaptation strategies⁶³,

⁵⁹ Dreher, Tanja, and Michelle Voyer. "Climate refugees or migrants? Contesting media frames on climate justice in the Pacific." *Environmental Communication* 9, no. 1 (2015): 58-76. <https://doi.org/10.1080/17524032.2014.932818>

⁶⁰ Cain, Tess Newton. "Let's hear it for the Boe." *Security Challenges* 16, no. 1 (2020): 32-36.

⁶¹ Miller, Donna. "The Future of Food in the Caribbean: Climate Change and Food Security: '1.5 Stay Alive: Science Meets Music in the Caribbean'." *Caribbean Quilt* 7, no. 1 (2023): 109-112. <https://doi.org/10.33137/cq.v7i1.38633>

⁶² Lewis, Patsy. "The challenging path to Caribbean integration." *Current History* 119, no. 814 (2020): 54-59. <https://www.istor.org/stable/48614507>

⁶³ McNamara, Karen Elizabeth, and Shirleen Shomila Prasad. "Coping with extreme weather: communities in Fiji and Vanuatu share their experiences and knowledge." *Climatic change* 123 (2014): 121-132. <https://doi.org/10.1007/s10584-013-1047-2>

but these efforts are frequently undermined by insufficient resources, lack of political will, and limited public awareness. Without a comprehensive and binding approach that includes legal recognition, burden-sharing mechanisms,⁶⁴ and a focus on resilience-building, current frameworks will continue to inadequately protect vulnerable populations from the impacts of climate change. These shortcomings lead to fragmented responses, inadequate legal recognition for climate migrants, and limited cross-border collaboration. To effectively address climate-induced migration, a holistic approach is essential, encompassing legal recognition, burden-sharing mechanisms, and resilience-building strategies.

Safeguarding Lives: Transnational Legal Frameworks for Climate-Induced Migration

The inherently cross-border nature of climate-induced migration necessitates a transnational law approach to effectively address the complexities associated with this phenomenon. Traditional international law frameworks often inadequately address the realities faced by climate migrants, failing to provide comprehensive solutions tailored to their unique circumstances.⁶⁵ Transnational law offers a vital theoretical framework for examining the governance of cross-border issues, particularly in the context of climate change, when the existing doctrinal perspectives have failed to innovate.⁶⁶ Transnational law operates at the intersection of domestic and international legal spheres, incorporating both state and non-state actors into the governance process.⁶⁷ Transnational law provides a framework for understanding how law globalizes, focusing on the dynamic processes through which legal norms cross territorial borders and impact multiple jurisdictions.⁶⁸ A transnational law perspective is instrumental in uncovering the inequalities and asymmetries inherent in global and international approaches to climate change. This perspective encourages an examination of

⁶⁴ Ringius, Lasse, Pia Frederiksen, and Katja Birr Pedersen. "Burden sharing in the context of global climate change. A North-South perspective." (2002). <http://www.risoe.dk/rispubl/NEI/neri-tr-424.pdf>

⁶⁵ Etty, Thijs, Veerle Heyvaert, Cinnamon Carlarne, Dan Farber, Bruce Huber, and Josephine Van Zeben. "Transnational climate law." *Transnational Environmental Law* 7, no. 2 (2018): 191-200. <https://doi.org/10.1017/S2047102518000183>

⁶⁶ Calliess, Galf-Peter, and Peer Zumbansen. *Rough consensus and running code: a theory of transnational private law*. Bloomsbury Publishing, 2010.

⁶⁷ Zumbansen, Peer. "Transnational legal pluralism." *Transnational Legal Theory* 1, no. 2 (2010): 141-189.

⁶⁸ Shaffer, Gregory, and Daniel Bodansky. "Transnationalism, unilateralism and international law." *Transnational Environmental Law* 1, no. 1 (2012): 31-41. <https://doi.org/10.1080/20414005.2010.11424506>

transnational legal spaces not merely as supplementary components, but as critical counterpoints to interstate and national strategies.⁶⁹ A collaborative transnational approach is essential; it should facilitate cooperation among origin, transit, and destination countries to develop coherent migration policies that adequately address the rights and needs of climate migrants throughout their journeys. Furthermore, this approach must integrate climate change mitigation, adaptation, and migration policies to ensure these elements function synergistically, rather than in isolation. Climate change exacerbates existing inequalities, disproportionately affecting marginalised communities with limited resources and capacities and the same must be considered in any innovative framework. A robust transnational framework for addressing climate-induced migration should encompass several vital key elements.⁷⁰ First, the establishment of legal recognition for climate migrants and their rights is fundamental to ensuring that individuals displaced by climate change receive the necessary protection and support.⁷¹ Additionally, developing burden-sharing mechanisms among receiving countries is crucial for equitable support, involving financial assistance and resources to help host communities accommodate displaced individuals.⁷² Capacity-building initiatives should also be prioritized to empower vulnerable communities and enhance their resilience against climate impacts.⁷³ Moreover, integrating climate migration concerns into existing development and humanitarian frameworks is vital for embedding migration considerations into broader policy discussions. Finally, innovative financing mechanisms are required to support adaptation efforts and planned relocation for affected populations, facilitating the necessary infrastructure development and community support initiatives. Transnational legal frameworks can safeguard the rights of individuals displaced by climate change, ensuring their representation in

⁶⁹ Affolder, Natasha, *Transnational Climate Law* (October 2, 2019). *Oxford Handbook of Transnational Law* (Peer Zumbansen ed., Oxford University Press, 2019, Forthcoming), Available at SSRN: <https://ssrn.com/abstract=3463486> or <http://dx.doi.org/10.2139/ssrn.3463486>

⁷⁰ Zumbansen, Peer, ed. *The many lives of transnational law: critical engagements with Jessup's bold proposal*. Cambridge University Press, 2020.

⁷¹ Williams, Angela. "Turning the tide: recognizing climate change refugees in international law." *Law & Policy* 30, no. 4 (2008): 502-529. <https://doi.org/10.1111/j.1467-9930.2008.00290.x>

⁷² Turkoglu, Oguzhan. "Supporting rebels and hosting refugees: Explaining the variation in refugee flows in civil conflicts." *Journal of Peace Research* 59, no. 2 (2022): 136-149. <https://doi.org/10.1177/0022343321989786>

⁷³ Virji, Hassan, Jon Padgham, and Clark Seipt. "Capacity building to support knowledge systems for resilient development—approaches, actions, and needs." *Current Opinion in Environmental Sustainability* 4, no. 1 (2012): 115-121. <https://doi.org/10.1016/j.cosust.2012.01.005>

international discussions. By establishing legal standards that recognize climate-induced migration, Small Island Developing States (SIDS) can advocate for their citizen's rights and access to humanitarian assistance. Moreover, transnational law can improve access to funding and investment from international entities, enabling SIDS to implement effective climate policies and projects. Ultimately, through collaborative legal commitments, transnational law empowers SIDS to address the complexities of climate change, protect their environments, and safeguard their communities.

Novel Remedies and Radical Legal Design

During World War II, approximately 60 million Europeans were displaced due to persecution, violence, and poverty, presenting a level of extreme vulnerability not commonly experienced by Europeans in the modern era.⁷⁴ Migration continued amidst escalating violence throughout the war, and by 1951, more than a million individuals remained unsettled, highlighting the prolonged nature of post-war displacement.⁷⁵ The war underscored how national governments themselves contributed to the refugee crisis.⁷⁶ The aftermath of World War II, marked by judicial and political fragility, catalysed the establishment of a new universal human rights framework⁷⁷. This included the adoption of the United Nations Declaration of Human Rights in 1948 and subsequent Refugee Conventions (1951, 1954, 1961), along with the 1967 Protocol Relating to the Status of Refugees. These initiatives aimed to address and safeguard against the vulnerabilities and injustices that characterized wartime displacement and post-war recovery.⁷⁸

Climate change presents a challenge unlike any humanity has previously encountered. Its far-reaching consequences pose novel legal, social, political, and economic challenges on a global scale.⁷⁹ In the words of JT Mathers⁸⁰ former

⁷⁴ Kulischer, Eugene M. *Europe on the Move: War and Population Changes, 1917–47*. Columbia University Press, 1948. <https://doi.org/10.7312/kuli91052>

⁷⁵ Becker, Sascha O., Irena Grosfeld, Pauline Grosjean, Nico Voigtländer, and Ekaterina Zhuravskaya. "Forced migration and human capital: Evidence from post-WWII population transfers." *American Economic Review* 110, no. 5 (2020): 1430-1463. DOI: 10.1257/aer.20181518.

⁷⁶ Sachleben, Mark. *Global Issues: Tangled Webs*. Oxford University Press, 2024.

⁷⁷ Gatrell, Peter. *The making of the modern refugee*. OUP Oxford, 2013.

⁷⁸ Loescher, Gil. *Refugees: a very short introduction*. Vol. 673. Oxford University Press, 2021.

⁷⁹ Dawson, Grant, and Rachel Laut. "Humans on the Move: Integrating an Adaptive Approach with a Rights-based Approach to Climate Change Mobility." In *Humans on the Move*. Brill Nijhoff, 2021.

⁸⁰ Mathews, Jessica Tuchman. "Redefining security." *Foreign affairs* 68, no. 2 (1989): 162-177.

vice president of the World Resources Institute, 'Environmental strains that transcend national borders are already beginning to break down the sacred boundaries of national sovereignty [...] Dealing with global change will be more difficult. No one nation or even group of nations can meet these challenges, and no nation can protect itself from the actions – or inaction – of others.' There have been several novel recommendations to solve the challenges of displaced persons particularly from areas that may lose their territorial and legal status due to acidification, inundation or flash floods. Clare Heyward and Jorgan Odalen have proposed the establishment of a 'Passport for the Territorially Dispossessed' something on the lines of the Nansen passport, but that will just help the stateless people to choose where to migrate and will be subject to ratification by other states.⁸¹ Most of the remedies suggested take a top-down approach ignoring the agency of the residents of these states. A readily implementable legal solution for the "disappearing states" phenomenon and the displaced populations it creates, remains elusive. However, it is critical to scrutinize the human rights implications of proposed options, particularly their impact on individual and community decision-making autonomy.⁸² A global treaty addressing disappearing states and stateless populations from climate change holds promise, offering tailored solutions.⁸³ However, McAdam highlights the challenges: ratification hurdles, political inertia, and potential ineffectiveness even if adopted. Therefore, exploring alternative solutions alongside treaty negotiations seems prudent.⁸⁴ By fostering collaboration, these legal instruments can help implement tailored solutions for stateless populations,⁸⁵ ensuring that affected communities retain agency in decision-making processes. Additionally, a transnational approach encompassing radical ideas can enhance the effectiveness of proposed treaties by addressing challenges like ratification hurdles and political inertia, ultimately providing a comprehensive response to the growing crisis of climate displacement.

⁸¹ Heyward, Clare, and Jörgen Ödalen. "A free movement passport for the territorially dispossessed." *Climate justice in a non-ideal world* (2016): 208-226.

⁸² McAdam, Jane, ed. *Climate change and displacement: Multidisciplinary perspectives*. Bloomsbury Publishing, 2010.

⁸³ Stoutenburg, Jenny Grote. *Disappearing island states in international law*. Brill, 2015.

⁸⁴ McAdam, Jane, and Ben Saul. "An insecure climate for human security? Climate-induced displacement and international law." (2009): 2010-59.

⁸⁵ Nevitt, Mark. "Climate Change and the Specter of Statelessness." *Geo. Env't L. Rev.* 35 (2022): 331.

<https://heinonline.org/HOL/LandingPage?handle=hein.journals/gintenlr35&div=15&id=&page=>

The ICJ and Small Island States: Defining Sovereignty and State Responsibility in a Changing Climate

As climate change accelerates, Small Island Developing States (SIDS) have called upon the United Nations General Assembly to seek the International Court of Justice's (ICJ) guidance on the legal obligations of states to protect the global climate system. On 29 March 2023, the United Nations General Assembly requested an advisory opinion from the International Court of Justice (ICJ) on states' obligations under international law regarding climate change. Led by Small Island Developing States (SIDS) and championed by Vanuatu, this initiative emphasizes the urgent need to address the existential threats posed by climate change to vulnerable nations. The advisory opinion aims to clarify international responsibilities, potentially expanding the ICJ's jurisprudence on state obligations under existing treaties and customary international law.⁸⁶

The ICJ was asked to address two key questions: (1) states' obligations to protect the climate system from anthropogenic greenhouse gas emissions for present and future generations, and (2) the legal consequences for states failing to meet these obligations and causing significant environmental harm.⁸⁷ While ICJ advisory opinions are not legally binding, they are influential in shaping international legal norms. The UNGA resolution emphasizes intergenerational justice, calling for urgent and ethical action to protect future generations from the catastrophic impacts of climate change.⁸⁸ It stresses that continued greenhouse gas emissions will lock us into irreversible climate change, with escalating losses and damages. Support from the ICJ for intergenerational justice would highlight the need for transformative, sustainable climate action.⁸⁹ The Alliance of Small Island States (AOSIS), alongside Vanuatu and other island nations such as Grenada and the Cook Islands, has argued that in the context of unprecedented and relentless sea-level rise, international law must evolve to address the climate

⁸⁶ Kysar, Douglas A. "Climate change and the International Court of Justice." *Yale Law School, Public Law Research Paper* 315 (2013). <https://doi.org/10.2139/SSRN.2309943>

⁸⁷ McMenamin, Rebecca. "Advisory Opinion on Obligations of States in Respect of Climate Change: Potential Contribution of Human Rights Bodies." *Climate Law* 13, no. 3-4 (2023): 213-223. <https://doi.org/10.1163/18786561-bja10045>

⁸⁸ Lawrence, Peter. "The International Court of Justice Advisory Opinion on Climate Change and Future Generations." *Chinese Journal of Environmental Law* 8, no. 2 (2024): 284-300. <https://doi.org/10.1163/24686042-12340127>

⁸⁹ Bertram, Daniel. "'For You Will (Still) Be Here Tomorrow': The Many Lives of Intergenerational Equity." *Transnational Environmental Law* 12, no. 1 (2023): 121-149. <https://doi.org/10.1017/S2047102522000395>

crisis and its disproportionate impact on Small Island Developing States (SIDS). AOSIS urged the International Court of Justice (ICJ) to recognize several key principles under international environmental law: the duty of cooperation, which includes the provision of technological and financial assistance; the obligation of states to uphold the stability of maritime zones; and the affirmation of the principle of "continuity of the State," even in the face of complete territorial inundation caused by climate-induced sea-level rise. The goal is to ensure the continued recognition of these states' sovereignty and existence, regardless of the physical disappearance of their land territory.

As the only UN body yet to address the climate emergency, the ICJ's advisory opinion could help strengthen national policies and enhance commitments to the Paris Agreement, clarifying governments' responsibilities to protect future generations from climate impacts. The UNGA resolution calls for a moral and urgent reckoning, urging us to act decisively today to prevent an irreversible climate crisis from condemning future generations to a world of unprecedented suffering. This initiative represents not only a legal challenge but a moral one, urging the international community to take immediate, effective, and ethical action to prevent the irreversible harms of climate change from decimating future generations.

Conclusion

The current legal framework is inadequate for climate-induced displacement.⁹⁰ A new refugee convention or an amendment to the 1951 Convention is necessary, defining "persecution" to encompass uninhabitable environments and not requiring a specific polluter's identification. Furthermore, scientific research on habitability should inform national resettlement plans, the Warsaw Mechanism should recognize displacement as loss and damage, and international insurance pools should compensate nations and support resettlement efforts, with higher premiums for historically polluting nations. The construction of artificial islands replicating the original homes of islanders has emerged as a potential adaptation strategy for SIDS facing climate change threats like sea-level rise. These islands, built within existing SIDS territory, offer

⁹⁰ Bradley, Megan, and Roberta Cohen. "Disasters and displacement: Gaps in protection." *Journal of International Humanitarian Legal Studies* 1, no. 1 (2010): 95-142.

a solution for displaced communities.⁹¹ The Maldives, for example, have constructed Hulhumale near the capital island of Male, providing a new home and fostering community for those seeking proximity to the capital city.⁹²

Resettlement of islanders displaced by climate change presents complex legal and cultural challenges. A central issue concerns the extent to which these resettled populations retain the right to govern themselves through their own laws, justice systems, and educational institutions, and to preserve their distinct language and cultural identity. This question applies to both sovereign and non-sovereign host nations.⁹³ While significant cultural adaptation is inevitable in resettlement scenarios, a spirit of compromise between migrants and host communities is essential for successful integration. The aforementioned challenges underscore the necessity for a coordinative approach at local, regional and national levels. This is true even in instances where resettlement occurs on previously uninhabited land. In essence, a concerted global effort is required, encompassing the North and the South. As the challenges of climate-induced migration continue to evolve, a transnational approach will be essential for ensuring the protection and resilience of those most affected. This collaborative response demands a multifaceted approach, integrating legal frameworks, strategic policies, and robust economic measures.

Addressing climate-induced displacement necessitates a comprehensive and collaborative approach that integrates legal, cultural, and economic considerations. As the impacts of climate change continue to escalate, it is imperative to establish inclusive frameworks that recognize the rights and identities of affected populations. This entails not only redefining legal protections and resettlement strategies but also fostering dialogue and cooperation between host nations and displaced communities. Ultimately, a transnational effort that encompasses diverse stakeholders is essential for promoting resilience and safeguarding the dignity of those impacted by this urgent global crisis.

⁹¹ Yamamoto, Lilian, and Miguel Esteban. *Atoll Island States and international law*. Springer-Verlag Berlin An, 2013. <https://link.springer.com/book/10.1007/978-3-642-38186-7>

⁹² Brown, Sally, Matthew P. Wadey, Robert J. Nicholls, Ali Shareef, Zammath Khaleel, Jochen Hinkel, Daniel Lincke, and Maurice V. McCabe. "Land raising as a solution to sea-level rise: An analysis of coastal flooding on an artificial island in the Maldives." *Journal of Flood Risk Management* 13 (2020): e12567. <https://doi.org/10.1111/jfr3.12567>

⁹³ Kelman, Ilan. "Difficult decisions: migration from small island developing states under climate change." *Earth's Future* 3, no. 4 (2015): 133-142. <https://doi.org/10.1002/2014EF000278>

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