



Rising Tides, Stateless Lives: Towards a Normative Framework for Climate-Induced Statelessness of Climate Refugees in International Law

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ABSTRACT

The rising impacts of weather change, especially the rise of sea-levels and submersion of coasts are generating novel displacement patterns that the international law is poorly adapted to handle. One of the most pressing yet the least developed issues is the threat of statelessness as a result of temperature change, people and communities can lose not only their homestead but also their nationality, legal identity, and access to state protection. This study questions normatively and doctrinally the lack of the norm in current international law that regulates climate displaced individuals, particularly in the situation of disappearance of the territory. Leaving behind scholarship that isolates the problems of refugee's law, statelessness, and environmental loss, this paper suggests a unified legal strategy based on climate justice, theory of human rights, and changing sovereignty principles. It talks about the flaws in the 1951 Refugee Agreement and the 1954 and 1961 Stateless People Conventions, and soft law tools like the Loss and Damage Fund and the Nansen Initiative that were created at COP28. The implications of the 2024 ICJ Recommendation Comment on climate obligation are further discussed in light of its interpretive implication that states bear the burden of protecting the impacted populations. The study is methodologically based on a doctrinal and comparative legal approach by studying international treaties and jurisprudence and domestic constitutional law. The study combines global legal analysis with a located case study of displaced communities in coastal Mumbai due to climate changes where the question of property loss, loss of civic identity and constitutional rights as per Article 21 are examined through the lens of climate justice. Lastly, a normative legal structure for identifying and safeguarding stateless individuals displaced by global warming will also be provided by the study. The synthesis of lawful principles across domains and jurisdictions makes the study relevant to the transformation of global law to address the new challenges of the Anthropocene the remaking of legal identity, sovereignty, and belonging in a warming world.

Keywords: Climate refugees, climate-induced displacement, international law, environmental law, refugee protection, statelessness, sovereignty, environmental migration, human rights, legal framework, treaty development, sinking states, forced migration, soft law, universal refugee law.

1. Introduction

The aggravation of the climate change has evolved the environmental degradation into a pressing humanitarian and legal problem. Among its most serious implications is climate-induced displacement or climate-forced migration, which does not only endanger homes and livelihoods, it also jeopardizes the legal identity, nationality and territorial belonging of the populations affected by it. Specifically, small island

developing states (SIDS) and coastal cities located at a low-lying level, such as Mumbai, have a risk of not only losing land where people live, but also legal and political basis that safeguards their rights according to the national and international legislation¹.

Although the incidences of such displacement continue growing in frequency and severity, international legal instruments do not provide any overall legal safeguard. The 1951 Refugee Convention lacks the consideration of environmental factors and completely leaves out the cases of climate refugees status². In the meantime, the Statelessness Convention of 1954 and 1961 does not provide anything on being stateless as an outcome of territory loss brought on by

of territory loss brought on by climate changes. These omissions result in a major legal gap, as climate-Displaced persons have no status with which to rely on or have any form of legal redress³.

By creating an ethical and doctrinal framework for the credit and protection of people evacuated owing to statelessness brought on by warming temperatures, loss of legal legitimacy, and loss of territory, this study seeks to close this gap. It moves beyond existing analyses that writing on climate refugees and statelessness, rather than offering a global legal strategy involving a critical assessment of the law on refugees, statelessness statuses, human rights, and international environmental law⁴.

The study takes both the international and domestic standpoints. On the international level, it gives attention to statelessness, nationality and sovereignty when the state territories are disappearing (e.g., Tuvalu, Maldives). At the national scale, it relies on a case study on water level rise in coastal Mumbai, redefining the international problems as climate induced homelessness, loss of local identity, and loss of personal property, the lack of compensation procedures, and the constitutional merit of these matters under the 21st article of the Indian Constitution, including the rights to a livelihood, a place to live, and a life of dignity.

By so doing, the study is expected to form a legally justified and morally consistent model which can possibly guide the legislative change, shape the policy, and promote collaboration on the international level. The theoretical contribution of the study is to discuss how the current legal frameworks can be modified to uphold the legal identity and rights under conditions of the loss of territory and undermined state protection, especially in cases of displacement due to the climate and the loss of state capacities.

2. Research Objectives

- A. To evaluate critically the doctrinal limitations of current international legal instruments, like the 1951 Convention on Refugees and the 1954 and 1961 Conventions on Stateless Persons, in response to displacement, statelessness, and loss of legal identity and nationality caused by climate change.
- B. To examine how instruments of soft law and state practice and regional legal frameworks (including the Nansen Initiative, Cartagena Declaration, Kampala Convention, and Loss and Damage Fund) are shifting to open up new avenues of legal protection and legal recognition of climate-displaced persons.
- C. To provide a normative legal framework that integrates refugee law with The regulations of the environment, rights of humanity legislation, and sovereignty theory in order to respect individuals whose statelessness stems from land expropriation, climate change, and legal invisibility.
- D. To analyze the domestic law issues of climate-induced displacement using a case study of Mumbai, to be used as the basis of the study is the constitutional protection under Article 21, property rights and erosion of local identity in the context of Indian legal discourse.
- E. To leave a mark on international legal theory by reinventing the connection between the legal identity, statehood and territory during the Anthropocene, and to contribute to the development of intergenerational justice as the basis of the future legal reform.

3. Research Questions

- A. How do the current gaps and limitations in international legal systems, and especially, the laws on refugees, statelessness, and human rights, respond to climate-related statelessness, loss of legal identity, and disappearance in the territory?
- B. How can the frameworks of rights for people and refugees be combined with the tenets of global environmental law (including the Loss and Damage Mechanism) to create a single legal response to the concept of displacement caused by climate change?
- C. What legal normative model or theoretical reinterpretation would lead to legal change in the future to acknowledge and offer protection to climate-displaced people, especially those of fading away or uninhabitable lands?
- D. What do domestic legal systems- domestic constitutional and property law- do in response to homelessness as a result of climate, property loss as a result of climate, and the destruction of local civic identity as a result of environment, and what reforms are required to protect such groups?
- E. How might legal mobilization and litigation tactics contribute to the advancement of both domestic and international security for individuals who have been forced by climate change?

4. Literature Review

The issue in which the international law ought to react to climate-induced displacement has produced a growing scholarly curiosity in numerous fields, nonetheless, a complete and thorough examination. A coordinated legal system is still lacking. The review describes major contributions and shortcomings of intersecting realms of reignited refugee law, statelessness, human rights, and sovereignty theory, in addition to recent changes in normatives, such as the 2024 ICJ or the Damage and Loss Fund's operationalisation at COP28⁵.

4.1 Refugee Law and Its Limitations

The Convention on refugees of 1951 and its Protocol in 1967 define a refugee⁶ based on a legitimate fear of being persecuted, other than displacement about an environmental degradation. The inability of the current permitted framework to treat the problem of migration due to climate has been highlighted long ago by such researchers as Jane McAdam, Michelle Leighton, and Walter Kalin⁷. The attempts at broadening the definition have not gained global approval. According to a recent commentary by McAdam (2023), states are still unwilling to make changes to the refugee regime regardless of the increasing risks due to climate change. The soft law tools like the Protection Agenda of the Nansen Initiative have certain normative guidance, however, not a binding law. Equally, although The International Agreement for Refugees (2018) recognizes the causes of changing the climate, it does not establish binding safeguards⁸.

This research builds upon these critiques but moves beyond definitional debates to propose a normative legal model responsive to climate-induced statelessness and territorial disappearance—especially where legal identity dissolves alongside environmental displacement.

4.2 Statelessness and Loss of Legal Identity

The 1954 and 1961 Statelessness Conventions address statelessness resulting from state action or legal gaps in nationality laws but are silent on statelessness caused by the physical disappearance of territory. Scholars including Itamar Mann, Laura van Waas, and David James Cantor have begun to theorise the legal vacuum arising when entire populations are rendered unmoored from national legal frameworks. However, doctrinal analysis remains fragmented.

Although this is not its direct solution to statelessness, the 2024 ICJ Advisory Opinion stated that states are legally obligated to prevent and reduce environmental damage, even when such damage causes the displacement of populations⁹. This creates interpretive space to conceptualise how nationality and civic protection is being eroded as the result of the inaction of the state towards climate risk. This proposal is included into such a discussion because it directly corresponds with climate change, statelessness and identity loss in a unified legal framework.

4.3 The Human Rights Law as a Safety net.

In the *Teitiota v. the Republic of New Zealand* proceeding, the decision of the International Human Rights Committee might imply that deporting individuals to the regions affected by climate change will contravene Article 6 of the ICCPR¹⁰. These are, however, reactive safeguards, full of individualism and not status-based to some extent. Summerduto Atapattu and Katherine J. Fallah among others have also been other persons who have contributed to the redefinition of norms of human rights in response to climate-related harm¹¹. Nevertheless, access to a certain regime of climate-displaced legal identities remains unavailable to the international human rights law.

The fact that the environment has become a topic of concern by human rights all over the world can be seen through the recent resolution of the UN General Assembly that requested an advisory opinion by the ICJ which was approved by a super majority¹². This paper builds on such developments.

It advances a human right-inflected framework that affirms not only the right to life, but also legal identity, nationality, and dignified belonging in the face of environmental collapse.

4.3 Sovereignty, Territory, and Legal Theory

The issue of deterritorialised statehood has been escalated within the context of SIDS like the Maldives, Kiribati, and Tuvalu. Legal scholars including Rosemary Rayfuse, Peter H. Sand, and Walter Kälin have proposed models such as digital sovereignty, governments-in-exile, or floating states as mechanisms to preserve legal continuity post-submergence¹³.

However, these models are still state-centric and tend to ignore the micro-legal consequences of people—especially, the deprivation of nationality, property rights and access to social services. The paper fills this gap because it links the macro-sovereignty paradigms to the legal realities in the lives of the affected populations.

4.4 Domestic Legal Gaps: The Case of India

Although climate-induced internal migration in India has received policy attention, little doctrinal work exists on the loss of constitutional rights and legal personhood in the context of water level rise. Indian legal scholars like Shibani Ghosh, Usha Ramanathan, and Lavanya Rajamani have engaged deeply with

environmental governance¹⁴, but the implications of coastal submergence, property erosion, and climate-driven homelessness remain underexplored in doctrinal terms.

By examining coastal displacement in Mumbai through the lens of Article 21 of the Constitution and property law, this research reframes climate loss as a matter of constitutional justice, extending the literature beyond disaster relief or compensation toward legal recognition, identity, and livelihood security.

5. Research Gap

Even if a lot of individuals worldwide are becoming concerned about the relocation of people due to climate change, there is no legally recognised category of displaced people resulting from environmental degradation in international law. The Nansen Human Rights Protection Agenda is one example of a soft law tool that has not yet been integrated and made legally obligatory, while the seminal Refugee Agreement of 1951 states that the weather is not a reason to flee¹⁵. Although a growing body of scholarly literature also points out these flaws in the theories, a large portion of the existing research has been policy-based or limited to sub-disciplines of a specific area of law, such as refugee law, law on the environment, or human rights law. There is still a huge gap with no continuous doctrinal analysis to connect these areas. In any case, the literature that tries to put together a common legal framework to address the complex intersection between climate-induced displacement, statelessness, loss of legal identity, and disappearance of territory is little. It is particularly this omission in response to permanent loss of land, which receives inadequate attention in the 1954 and 1961 Statelessness Conventions¹⁶.

The deterritorialized sovereignty has been theoretically discussed within the framework of small island developing states, but in an abstract or state-based way, and does not look at the lived law of such a scenario, namely, the deprivation of legal nationality and inability to invoke a civic protection¹⁷. Additionally, not much focus has been placed on the experience of the problems in the non-island jurisdictions where the population is large such as that of India where Article 21 of the Indian Constitution is of great constitutional concern as the coastal land, local identity and livelihood dwindle.

Recent events on a global scale indicate that the doctrines need to be reformed. In 2024, the ICJ reiterated in its guidance that governments are legally obligated to prevent environmental damage and protect the populations that are affected, as well as in displacement contexts¹⁸. This constitutes a milestone in the crystallisation of environmental obligations under international law, but it falls short of resolving the question of legal recognition and protection for climate-displaced persons, especially those facing statelessness. In the same manner, The harm and loss Fund's implementation at COP28 is an indication of a growing normative consensus regarding the sense of state responsibility and climate equity, but the legal implications of its loss of nationality, identity, and access to civic rights are underdeveloped¹⁹.

There are also regional frameworks with valuable templates such as the Cartagena Declaration and the Kampala Convention that are yet to be analysed systematically to influence their applicability in the context with weather-induced statelessness.

The creation of a legal framework that integrates the frameworks for refugee law, stateless persons regimes, ecological law, and rights for humans fills these overlapping voids in doctrines and norms. It tries to endorse a unifying legal response to the novel circumstances of climate-induced statelessness, identity loss and land loss by the prism of a comparison the small island situation and coastal India.

6. Methodology

The research paper utilizes a doctrinal approach to law with the help of comparative law and normative law reasoning. It seeks to critically assess the structural constraints of the current legal paradigm, derive interpretative possibilities of the applicable tools and develop a unified legal response to the overlapping problem of climate-driven displacement, statelessness and loss of legal identity and territory.

The doctrinal approach involves a critical look at the primary work on the topic of international law such as the 1951 Convention on the rights of refugees and its Protocol of 1967, the 1954 and 1961 Statelessness Conventions and the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention on the Law of the Sea (UNCLOS) and the Paris Agreement to the UN framework Convention on Climate Change (UNFCCC). These are complemented by the sources of international law which are changing like the customary international law, general assembly resolutions and the global court of justice's advisory opinion and the guidelines of the UNHCR.

The comparative constituent is also based on texts regional like the Kampala Agreement in Africa and the Cartagena Statement in Latin America and how substantive protection is given by the non binding texts, this may influence the development of the global norm. Moreover, there exists comparative study of how the issues of the legal gaps are expressed between small island states (e.g., Tuvalu, Kiribati, the Maldives) and India, which relates to the geopolitical and constitutional context of these regions.

Much attention is drawn to the domestic constitutional jurisprudence of India, and especially, the interpretation of Article 21 of the Constitution (Right to Life and Livelihood), and the development of the doctrine of the environmental and property rights. The example of coastal displacement in Mumbai is used

as a case study, which presents the contextual background, as well as normative knowledge of the international structure that is getting presented.

The normative analysis uses the law theory and international ethics to suggest new innovative meanings or new models of treaties in line with the new phenomenon of climate-induced statelessness. This is achieved by being interested in principle of intergenerational equity¹², climate justice theory and human dignity model that is presented in the instruments like the Brundtland Report, Rio Declarations, and the 2024 guidance on state responsibilities of environment change by ICJ.

The main sources of secondary sources are leading texts in doctrinal texts, journal articles, and institutional reports (e.g., IOM, UNHCR, and UNFCCC), recent case law (e.g., *Teitiota v New Zealand*), and scholarly commentary (e.g., Jane McAdam, Rosemary Rayfuse, and Sumudu Atapattu). This is because this triangulation of sources is the guarantee of analytical richness and applicability across legal jurisdiction and arenas. Through the synthesis of doctrinal critique and comparative insights and normative suggestions of the future, the proposed study is set to become a legal and ethically sound framework to the task of solving the aftermath of climate loss of territories, identity, and state protection.

7. Theoretical Overview

The study is based on a unified normative and doctrinal approach to the law, which relies on climate justice theory, international human rights law, sovereignty theory, and comparative constitutional jurisprudence. It is a reply to the immediate of theoretical invention to respond to legal effects emerging due to climate-induced statelessness, territorial disappearance, and loss of legal identity.

It is rooted in the potential of the climate justice theory, which promotes the fact that the less culpable in the climatic change, the Global South and the marginalised groups, are the ones who bear the greatest repercussions of the disaster. The Rio Declaration and the 2024 ICJ Advice Opinion both determined that the states bear a beneficial responsibility in the international law to safeguard the vulnerable groups in the impact of climate change instead of destroying the environment. In addition, the opinion center-staged on the intergenerational equity, which emboldened the obligation to protect the rights not only of the present generation, but also the future generation, the most elementary concept of the normative position of the current research. The rights-based theories as founded on the universality of the legal personhood and the inviolability of human dignity are also discussed in the research. Legal identity and nationality are not only administrative categories but the bases of rights that are founded on in access to education, medical care, role in the political arena and by the law. The fact that there is a threat of such rights being undermined by means of the alienation of territory due to climatic change not only poses a problem to the rights of humans legislation, along with to the fundamental principles of international legal order.

This paper is based on the post-Westphalian theory and constructivist theory of statehood to explore the destabilization of traditional concepts of territory, population, and state in cases where the state literally vanishes. Ideas of deterritorialised sovereignty, governments-in-exile, and floating jurisdictions, which are explained as applied to the small island developing states, are rethought here by individual rights. Instead of considering whether states survive in a legal sense, this project analyses how the people who were once under their protection gain, or lose, legal protection and nationality.

In order to accept the sphere of interaction between domestic and international law order, the project also incorporates the legal pluralism method. Other venues for legal recognition, such as national constitutional systems like India's Article 21 jurisprudence and the judicial decisions of regional instruments like the Cartagena Agreement Declaration and the Kampala Agreement, also provide adequate platforms for normative development. In this respect, the study is not only comparative in the scope of its research but also in the theoretical approach, where a variety of normative traditions is used to construct a plural and inclusive model of protection.

Finally, this study relates to the normative legal scholarship, which aims to go beyond description or critique to consider how law should change concerning new crises. It states that the international law should reconceptualize legal personhood and sovereign accountability through climate-driven statelessness, applying the instruments of environmental ethics, moral philosophy, and public international law.

All these overlapping theoretical frames put the study in the position to present not only gradual change, but a revolutionary vision of law based on justice, fairness and the long-term dignity of people moved by climate catastrophe.

8. Hypothesis

The existing international law framework important human rights and environmental documents, such as the Refugee Convention of 1951, 1954 and 1961 homeless Resolution, are insufficient to identify and safeguard those who were uprooted due to climate-related displacement. These frameworks fail to react to the new legal challenges of statelessness due to climate change, the death of legal identity and loss of authority over the sovereign territory. Although there are some signs of a normative change in the climate matter, such as the advisory opinion by the ICJ and the Disaster and Loss Fund created during COP28 cannot provide a binding

juridical safeguard to the population that are not formally enrolled in the legal system (i.e., displaced people). In greater detail, no legal status can be compared to the status of refugee and offer the condition of legal invisibility due to collapse of the environment and deterritorialisation. The proposed study assumes the necessity to solve the recognition, protection and legal continuum of the persons displaced by the climate, that must be supported by the single, doctrinally informed legal framework, based on the refugee law, statelessness regimes, human rights law and climate justice theory. Such a paradigm must answer the historic values of sovereignty, territoriality, and nationality with the actual and perceived realities of climate-displacement and statelessness, and the re-claiming of the international legal framework to dignity and equity, and intergenerational justice.

9. Conclusion

The study is timely and necessary with the increasing climate effects and the legal gap that is increasing as a result of people being displaced because of the degradation of the environment. It fills a normative gap in international law the lack of a systematic and binding legal framework to acknowledge and safeguard persons displaced by the disappearance of states and statelessness and loss of legal identity. The study has a doctrinal contribution in the sense of bridging the refugee law, the statelessness regimes, the human rights law and the international environmental law which are traditionally addressed in isolation. It extends the conclusions of scholars like Jane McAdam and Rosemary Rayfuse and is based on their work incorporating recent advancements including the 2024 ICJ Advisory Opinion that confirms the legal duty of states to avoid foreseeable environmental damage as well as guard vulnerable groups against displacement.¹ At the international level, the study offers an integrated legal model that could inform future treaty development, soft law instruments, and UNHCR guidance. It explains the legal implications of the Fund for Loss and Damage realised at COP28, a prospect for aid in the elimination of the effects of legal identity loss and statelessness, and criticises the existing weaknesses in the efficiency in this respect². The research case study of India makes contributions to a comparative legal literature by making climate-induced displacement in Mumbai not only a disaster that deals with matter, but also a constitutional rights crisis, which entails the emerging jurisprudence of Article 21 on the right to live, livelihood, and identity destruction on an occasion of climate disaster³. Large-scale, the paper contributes to the literature on climate justice since it proves the argument that the people who were displaced by the climate crisis should be given enough attention and protection as the people who were displaced by the war or persecution. It reinstates legal stature of a rights of human, as opposed to territorial precise. In this manner it threatens the formations of the status quo. sovereignty and calls upon the international law to adapt to the moral and legal requirements of the Anthropocene. Last but not least, the study directly relates to the principle of intergenerational justice since children of the citizens of climate-Displaced individuals may have a stigma of statelessness, the lack of legalization, and alienation of the land. The research foreshadows the responsibility of the present legal order to secure the rights and dignity of the upcoming generations through the work with such tools as the Brundtland Report and Rio Declarations.

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