CHAPTER SIX

SEA-LEVEL RISE, STATEHOOD AND THE FUTURE OF CLIMATE MIGRATION

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INTRODUCTION

Climate change is increasingly recognised as the defining issue of our times, with the various elements comprising this change—notably rising sea levels, and ocean warming and acidification—threatening the viability of coastal areas around the world. For many Small Island Developing States (SIDS)[34], rising sea-levels mean the disappearance of their land, and with it, possibly their statehood and sovereignty.

The submergence of land territory has wide-ranging implications for International Law (IL) and International Relations (IR) as the international system as we know it is structured around a terra-centric conception of the state, in which sovereignty—a central norm—is anchored in territory. Statehood is thought to be difficult to acquire but, once gained, assumed to have continuity. This implies manifold contradictions and raises questions about whether states can continue to exist in the absence of land territory and what becomes of their sovereignty, maritime rights and membership of the broader global community. Further, what happens to the populations of such countries when their homelands are uninhabitable?[35]

[34] There are a number of main groupings, including the Caribbean, the Pacific and the Atlantic, the Indian Ocean and the South China Sea. While all SIDS face similar challenges vis-à-vis sea-level rise, it is the Pacific SIDS that are effectively at the forefront in terms of bearing the brunt of the most challenging consequences, as well as being essentially the laboratory for legal innovations in addressing these consequences.

[35] An early version of this research was presented at the Ocean Regions Programme's Colloquium in 2024, and the presentation serves as the framework for this chapter.

These questions expose tensions and critical gaps in international legal frameworks. According to Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States, a 'defined' territory is considered a constituent element of statehood, as is a permanent population living on said territory. Moreover, the 1982 United Nations Convention on the Law of the Sea (UNCLOS) grants maritime jurisdiction and the associated sovereign rights based on the existence of land territory. At the same time, international refugee and migration frameworks do not provide for relocation in circumstances of territory loss (Otto 2024), and as such entire communities may become legally invisible, lacking recognition of their status. This leaves these states navigating a legal vacuum[36] as they seek avenues to address these impending challenges.

This chapter considers these issues by first exploring the implications of sea-level rise for the international legal conception of statehood, including de-territorialisation and emerging legal pathways being pursued by SIDS in this regard. Next, it considers the migratory dimensions of the loss of territory, touching on the risks of statelessness, the inadequacy of existing legal frameworks and the emerging and contested pathways for mobility and resettlement. The chapter highlights the urgent need for international reform to address these challenges to the international system.

While the challenges posed by sea-level rise affect low-lying states globally, this chapter focuses specifically on Pacific SIDS, notably because they are both on the frontline of climate-induced sea-level rise and at the forefront of developing legal and policy innovations to address the dual challenge of statehood continuity and migration in this context. The Pacific thus features in this chapter not as a regional focus per se, but as an analytically instructive ocean region in which these dynamics are already unfolding and being engaged with. This has positioned the region as a site of normative experimentation, where attempts to preserve statehood, sovereignty and collective identity in the absence of land are being advanced explicitly. The approaches examined herein are therefore not treated as region-specific solutions, but early manifestations of responses, the implications of which carry beyond the region to the world at large.

More broadly, the chapter contributes to ongoing efforts to centre oceans within IR and IL scholarship by demonstrating how ocean regions function as sites of constitutional stress for the international system. Sea-level rise exposes the limitations of terra-centric conceptions of sovereignty, territory and political

[36] Statehood is not only closely linked to the existence of a territory in current international law, but the existence of land also justifies a coastal state's right to extend its sovereignty, sovereign rights and jurisdiction over certain maritime zones under UNCLOS.

membership upon which both disciplines rely, revealing how core legal categories are destabilised when the physical relationship between land and sea becomes uncertain. In this context, oceans are spaces in which global power asymmetries are rendered visible, particularly between high-emitting, territorially secure states, and low-emitting, low-lying states. Moreover, ocean regions are transregional sites of stress in this context, with similar stress points emerging elsewhere, including the Western Indian Ocean. At the same time, this circumstance challenges prevailing assumptions about mobility by foregrounding forms of displacement that are neither voluntary nor persecution-based. By highlighting these dynamics, the chapter argues that ocean regions compel a rethinking of sovereignty, statehood and mobility that is presently insufficiently addressed within orthodox international legal and political analysis.

STATEHOOD AND THE CHALLENGE OF SEA-LEVEL RISE

Traditional conceptions of statehood

Sea-level rise in ocean regions poses a fundamental challenge to international legal and political assumptions that anchor sovereignty, statehood and maritime entitlement in stable land territory. The Montevideo Convention remains the 'best known formulation of the basic criteria for statehood' (Crawford 2007). Article 1 defines four essential attributes: a permanent population, a clearly defined territory, an independent government and the capacity to enter into relations with other states. These criteria, however, are not universally accepted as definitive requirements for statehood (Grant 1999). Sterio (2011) argues that they are incomplete and require revision. In practice, a state encompasses more than just these defining elements, and is a political, legal, economic, social, cultural and historical construct comprising individuals and communities pursuing a shared destiny (Krasner 1984). Nonetheless, the constituent elements of statehood set out by the Montevideo Convention remain one of the primary framings for what statehood is considered to be.

For our purposes, the criterion of a defined territory is critical. 'Territory' offers many grey areas in law, as there is no commonly accepted international legal definition (Saunders 2021). Broadly speaking, it refers to the physical space over which a state exercises its sovereignty and jurisdiction. This encompasses continental and insular areas, internal waters, generated using straight baselines, archipelagic waters and its territorial sea, as well as the airspace over them. Importantly, there is no rule requiring a minimum size of territory—the Vatican

City comprises only 0.4 square kilometres—nor that territory be contiguous, though fragmentation may complicate effective control (Crawford 2007).

UNCLOS elaborates how maritime entitlements derive from land. A littoral state's territorial sea extends twelve nautical miles (nm) from the coastal baseline (Article 3 UNCLOS); it may also claim an Exclusive Economic Zone (EEZ) extending up to 200 nm (Article 57 UNCLOS) and potentially also a right to the continental shelf. Beyond these limits lie the high seas, over which no single state has jurisdiction (Germond and Germond-Duret 2016). These maritime zones are thus legally anchored in the existence of natural land territory.

Islands illustrate this connection between land and maritime rights. Article 121 in UNCLOS defines an island as 'a naturally formed area of land, surrounded by water, which is above water at high tide'. Such islands generate maritime zones in the same way as continental land. However, rocks which cannot sustain human habitation do not. According to Article 60 UNCLOS, artificial islands, installations and structures do not possess the status of islands and cannot generate maritime claims—rather they are formed in the already existing maritime zones of the state. This was affirmed in the *South China Sea Arbitration* (The Republic of Philippines v. The People's Republic of China 2016), in which the Arbitral Tribunal held that low-tide elevations—naturally formed areas submerged at high tide—do not constitute territory in the legal sense.[37] Accordingly, artificial islands, even if built on low-tide elevations, could not preserve statehood under Montevideo's 'defined territory' requirement.

The importance of territory goes beyond geography. The Montevideo Convention also stipulates that states should have a permanent population and the ability to govern effectively, both of which have historically depended on the existence of land and control over that land.[38] Territory is also closely linked to sovereignty, denoting the exercise of supreme, absolute and exclusive power (Wrange 1994). Thus, territory functions as the principal sphere of sovereignty, symbolising not only physical space but also the political and legal expression of independence and authority.

[37] South China Sea Arbitration (Philippines v China) Award of 12 July 2016 para 309. Furthermore, in Maritime Delimitation and Territorial Questions between Qatar and Bahrain, the International Court of Justice (ICJ) held that international treaty law is silent on the question of whether low-tide elevations can be considered 'territory', and there is no uniform and widespread state practice in this regard. Therefore, the few existing rules do not justify a general assumption that low-tide elevations are territory in the same sense as islands, Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v Bahrain) (Merits) [2001] ICJ Rep 40 para 205.

[38] Island of Palmas Case (or Miangas) (United States v Netherlands) (Award) (1928) II RIAA 829, 840; Report of the International Committee of Jurists entrusted by the Council of the League of Nations with the task of giving an advisory opinion upon the legal aspects of the Aaland Islands question, League of Nations Official Journal, Special Supplement 4 (1920) 8–9.

The presumption of continuity and emerging jurisprudence

When land is lost, a state's territorial integrity is ultimately at risk. Yet history shows international law has been flexible in responding to such changes. For example, the Holy See continued to be recognised between 1870 and 1929 despite losing its land to Italy; the Order of St. John endured after being expelled from Malta; and there have been cases of governments in exile when their territories were occupied (International Law Commission (ILC) 2022). In each case, statehood was not questioned. This reflects a strong presumption in favour of continuity once statehood is established as the state remains a fundamental institution of international law, and its continuity underpins international peace and stability (Green 2024a, 2024b). In the context of climate change, statehood must show similar adaptability if law is to remain credible and predictable.

The ILC has considered whether artificial measures could sustain territory for legal purposes, asking whether a 'naturally formed' island might become effectively artificial under Article 121 UNCLOS. The example of Okinotorishima, an atoll heavily reinforced through artificial means by Japan, illustrates the uncertainty (ILC 2021). While reinforcing or constructing features may slow loss of territory, the costs and environmental consequences limit their feasibility as solutions (ILC 2021).

For SIDS, the loss of land results from a global phenomenon for which they bear little responsibility—SIDS tend not to be states responsible for excessive levels of carbon emissions.[39] To deny their statehood because territories become submerged through environmental developments entirely beyond their control—despite retaining other attributes of statehood—would be inequitable. Preserving statehood through legal adaptation is therefore both just and necessary. The ILC, in its project on sea-level rise, confirmed this presumption, noting that:

> "[w]ith regard to small island developing States whose territory could be covered by the sea or become uninhabitable owing to exceptional circumstances outside their will or control, a strong presumption in favour of continuing Statehood should be considered" (ILC 2022).

Similarly, the International Court of Justice (ICJ), in its 2025 *Advisory Opinion on Obligations of States in Respect of Climate Change*, affirmed that loss of one

[39] UNDP Climate Promise, 'Small Island Developing States are on the frontlines of climate change – here's why', 30 April 2025, available at https://climatepromise.undp.org/news-and-stories/small-island-developing-states-are-frontlines-climate-change-heres-why (last accessed 22 April 2026).

element such as territory does not automatically entail the loss of statehood.[40] Still, orthodox views remain powerful. Oppenheim (1955) famously argues that 'a [s]tate without a territory is not possible'. Accepting statehood without land would mark a profound shift in the traditional, terra-centric foundations of international law. Yet climate change compels precisely this shift: without adaptation, states and their entire populations risk falling into a legal void. In response, SIDS are actively advancing positions in international fora to secure their future, pressing for more formal recognition of continuity in the absence of land territory.

Strategies by SIDS to preserve statehood

Faced with the existential threat of sea-level rise, SIDS, notably those in the Pacific, have explored creative strategies to safeguard their future. The Maldives has pursued large-scale land reclamation, most notably Hulhumalé, an artificial island established in 2004 to relieve overcrowding on Malé and provide land an additional metre above sea-level—Maldives has an average elevation of only 1m above sea level (Otto 2024). Although more resilient than much of the country, such projects remain vulnerable to further sea-level rise and can cause significant negative impacts on the marine environment, including the destruction of habitats like coral reefs, changes in coastal erosion and wave patterns, and impacts on marine food chains and biodiversity. More recently, the Maldives has commissioned a floating city to be built on a flexible grid in a lagoon. While innovative and more environmentally sustainable (Otto 2024), floating cities lack a clear legal status, as international law does not recognise artificial islands or floating structures as territory capable of generating maritime zones according to Articles 60 and 80 UNCLOS; instead, these structures are only entitled to a limited safety zone of 500m (ILC 2021). The *South China Sea Arbitration* reinforced this, as indicated above. The ICJ has similarly noted the absence of uniform practices regarding their status.[41] Accordingly, artificial islands and floating cities cannot provide the legal foundation for continuity of statehood under the Montevideo Convention.

Other strategies focus on acquiring land abroad. The Maldives once suggested purchasing land in India or Sri Lanka as insurance against climate-driven displacement (Ramesh 2008). Kiribati took this further, completing the purchase of 2 210 hectares of land on Fiji's Vanua Levu in 2014. While framed

[40] Obligations of States in Respect of Climate Change (Request for Advisory Opinion) ICJ Rep 2025.
[41] Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v Bahrain) (Merits) [2001] ICJ Rep 40 para 205.

as part of development and food security planning, the acquisition has also been seen as a hedge against future territory loss. Yet, the purchase conferred only private ownership, not sovereignty. Under international law, sovereignty over land remains with the host state unless formally ceded by treaty (Caligiuri 2022; Crawford 2007). This raises difficult questions: could Kiribati claim statehood based on purchased land if its original territory disappears? Would sovereignty need to be transferred before submergence? Could dual nationality preserve the rights of its citizens?

These examples reveal the limits of existing law and the extent of grey areas and question marks that remain. At best, measures to create artificial or floating islands may enhance resilience and provide short-term relocation options, but they do not resolve the deeper legal challenge around the continuity of statehood in the absence of land territory.

THE FUTURE OF CLIMATE MIGRATION

Legal gaps in protecting climate-displaced persons

Despite the growing urgency of sea-level rise, international law provides little clarity on how to protect those displaced by its effects. The existing refugee regime, anchored in the 1951 United Nations Refugee Convention, defines refugees as people with a 'well-founded fear of persecution'. This does not extend to climate-displaced persons. Campaigners sometimes invoke the term 'climate refugee' to signal urgency, but legal scholars warn that expanding the refugee definition could dilute protections for those fleeing persecution (Otto 2024).

Alternative terms like 'environmentally displaced persons' have been proposed. Abdulla (2020), for example, draws on the United Nations Guiding Principles on Internal Displacement and the Draft Articles on the Protection of Persons in the Event of Disasters (PPED) adopted by the ILC to suggest implied rights for those moving due to climate impacts (Abdulla 2020). Yet, these frameworks remain non-binding and do not offer enforceable pathways for cross-border protection.

Human rights law does, though, impose some obligations. The principle of non-refoulement, for example, may prevent states from returning individuals to life-threatening environments (Molnár 2016). Broader human rights instruments such as the 1966 International Covenant on Civil and Political Rights and the 1989 Convention on the Rights of the Child can also provide safeguards relating to life, dignity and family unity. But these obligations are indirect and do not create a tailored protection regime for climate-displaced persons.

Regional frameworks have taken some modest steps forward. The 2009 *African Union's Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (known as the Kampala Convention) explicitly recognises displacement caused by natural disasters, while the non-binding *Cartagena Declaration on Refugees* (Colloquium on the International Protection of Refugees in Central America, Mexico and Panama 1984) broadens the definition of refugees to include those fleeing 'events seriously disturbing public order.' Both frameworks offer potential models for recognising climate-induced displacement, though neither has yet been widely applied to cross-border movements caused by sea-level rise.

Some suggest that populations of disappearing states might be considered stateless under existing conventions. The 1954 and 1961 Statelessness Conventions define a stateless person as one 'not considered a national by any [s]tate under the operation of its law'. However, these instruments were designed for contexts such as gaps in nationality law or state succession, not the wholesale disappearance of territory. Moreover, determinations of statelessness are left to individual states, creating inconsistency and uncertainty. While statelessness provides some rights—identity documents, access to court and protection from discrimination—it does not guarantee resettlement or the preservation of cultural identity (Otto 2024).

To avoid such outcomes, some scholars have advanced the idea of *ex-situ* citizenship in which populations retain their nationality even if the state becomes de-territorialised (Burkett 2011). This would allow them to maintain a legal personality, exercise political rights and preserve cultural identity abroad. Yet *ex-situ* citizenship depends critically on recognition by other states and international organisations. Without such recognition, continuity risks becoming a legal fiction, leaving displaced populations without enforceable rights.

Case law highlights the gap between human need and legal categories, as with the case of the Teitota family from Kiribati, who unsuccessfully sought refugee status in New Zealand. Their claim raised critical questions about the impossibility of return and the inadequacy of current legal categories, but courts remain reluctant to expand refugee protection to include climate displacement (Otto 2024). Similarly, while mass relocation or collective resettlement has been suggested, there is no international legal framework to govern how such movements would be organised or rights safeguarded.

The absence of protection is compounded by the politicisation of migration. Authors warn that narratives of mass 'climate refugees' are being used by some

governments to justify restrictive border climate policies in the Global North, such as increasingly strict border controls and the securitisation of climate migration, rather than to generate solidarity (Sim-Sarka 2025).

Regional and bilateral pathways

Several Pacific Island states are engaging in regional fora to advance their aims, notably the Pacific Island Forum (PIF) and the Alliance of Small Island States (AOSIS). At the 52nd PIF Leaders Meeting in November 2024, member states adopted the 2023 *Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-Related Sea-Level Rise* (PIF 2023a). This declaration explicitly links the concept of statehood continuity with safeguarding the rights and identity of people displaced or affected by sea-level rise. Prior to this, the PIF (2021) had already issued a *Declaration on Preserving Maritime Zones in the Face of Climate Change-Related Sea-Level Rise*, which underwrites the idea that maritime entitlements and baselines should continue notwithstanding changes in physical geography. In parallel, PIF members endorsed the *Regional Framework on Climate Mobility* in November 2023, which deals with migration, displacement and planned relocation and is aimed at guiding national and regional policies, technical cooperation and funding arrangements to ensure mobility is safe, dignified and responsive to cultural need and social concerns (PIF 2023b).

AOSIS, a regional organisation comprising 39 members, has outlined its position that statehood shall be accepted as continuing even when territory is lost to climate-induced sea-level rise, based on the strong presumption in international law of the continuity of statehood and legal personality, and noted further that:

> "It is our view that once a state is created by a people expressing their right to self-determination through statehood, that [s]tatehood will cease only if another form of expression of the right to self-determination is explicitly sought and exercised by that people. This is the only determinant of whether a state continues"[42] (AOSIS 2024).

Speaking on behalf of the Alliance, Samoa's permanent representative to the United Nations added that '[w]e depend on international law to secure our rights in a constantly changing world'.[43]

[42] Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 79 – Report of the International Law Commission on the work of its seventy-third and seventy-fourth Sessions Sixth Committee, Delivered by H.E. Mr. Fatumanava-o-Upolu III Pa'olelei Luteru, Permanent Representative of Samoa to the United Nations, Friday, 27 October 2023, available at https://www.un.org/en/ga/sixth/78/pdfs/statements/ilc/27mtg_aosis_1.pdf.

[43] Statement by Samoa on behalf of the Alliance of Small Island States (AOSIS) under Agenda Item 79 – Report of the International Law Commission on the work of its seventy-third and seventy-fourth Sessions Sixth

The Pacific Access Category (PAC) provides another example. It is a residency scheme operated by New Zealand that provides citizens of Pacific Island nations—including Fiji, Tonga, Kiribati and Tuvalu—with a structured migration pathway via an annual ballot. Applicants must be eighteen to 45 years of age, secure a full-time job with a scheduled duration of at least twelve months and meet English language requirements, as well as certain health and character standards. Once granted, the visa enables holders to live in New Zealand indefinitely and they may become eligible for citizenship after holding residence for two years. [44]

At a bilateral level, some states have also been seeking mobility pathways that enable mobility with dignity. One such agreement is the *Falepili Union Treaty* between Australia and Tuvalu (2024). Under the Treaty, Australia offers several types of support, including a mobility pathway for 280 Tuvaluans per year, with no age, health or work requirements, but that enables circular migration. Tuvalu, for its part, has agreed not to enter into security or defence agreements without Australia's input. The Treaty has been widely criticised, with some describing it as neo-colonial (Dellerba 2024), while others have raised concerns for Tuvaluan sovereignty (Söderström 2024).

Human dignity, culture and identity in migration

Beyond legal recognition and mobility pathways, the preservation of culture, language and spiritual ties is central to the dignity and continuity of island communities facing displacement as a result of sea-level rise. Identity is not only bound to geography but also embedded in social practices, oral traditions, kinship networks and connections to ancestral land, which will submerge in years to come. As Farbotko and McMichael (2019) argue, climate mobility is often framed in reductive terms of vulnerability and loss, but affected communities themselves prefer to emphasise resilience, cultural continuity and agency in shaping their futures. Ensuring that mobility frameworks integrate these dimensions is essential to avoid a double erasure of both territory and identity.

Preliminary findings from field research conducted by the authors of this chapter[45] underscore how displaced populations see the preservation of language and spiritual practices as of critical importance. These intangible elements are

Committee, Delivered by H.E. Mr. Fatumanava-o-Upolu III Pa'olelei Luteru, Permanent Representative of Samoa to the United Nations, Friday, 27 October 2023, available at https://www.un.org/en/ga/sixth/78/pdfs/statements/ilc/27mtg_aosis_1.pdf.

[44] New Zealand Immigration, 2025. https://www.immigration.govt.nz/visas/pacific-access-category-resident-visa/ (Accessed 12 September 2025)

[45] Conducted in 2025 in Australia with experts and officials, the UK with officials from the International Maritime Organization, and Switzerland with diplomatic representation at the United Nations Human Rights Commission.

often overlooked in migration governance yet are the very threads that sustain national identity across generations. As such, regional frameworks, such as those emerging from the PIF and the AOSIS, increasingly acknowledge these dimensions, but practical mechanisms like cultural programmes and support for diaspora communities remain underdeveloped.

The case of Tuvalu has become emblematic of attempts to formalise cultural preservation as a component of statehood. In early September 2023, Tuvalu—which is expected to be one of the first countries in the world to be completely lost to climate change—enacted constitutional amendments that include a new definition of statehood. Article 2(1) of the Constitution of Tuvalu Bill (2022) stipulates that '[t]he [s]tate of Tuvalu within its historical, cultural and legal framework shall remain in perpetuity in the future, notwithstanding the impacts of climate change or other causes resulting in loss to the physical territory of Tuvalu'.

Complementing this, Tuvalu's announcement at COP27 that it would become the first 'digital nation' reflects an unprecedented experiment in continuity.[46] By digitally recreating its territory, archiving history and cultural heritage and shifting governmental functions online, Tuvalu seeks to ensure that its people retain a collective identity and political presence even as land diminishes. Furthermore, a permanent digital replica of Tuvalu would substitute its physical land.[47] Whether a digital nation can gain full recognition remains an open legal question—former Foreign Minister Kofe called on all countries forming relations with Tuvalu to recognise the statehood of the nation as permanent notwithstanding the existence of land territory[48]—but it symbolically represents the claim that sovereignty and identity do not depend on physical geography alone.

CONCLUSION

Preserving legal statehood in the face of sea-level rise is only half of the challenge; equally important is ensuring that displaced populations retain rights, dignity and identity. As this chapter has shown, these two problems are intertwined. Recognition of a de-territorialised state without a parallel framework for mobility and protection risks becoming symbolic rather than substantive, leaving

[46] See Global Forum for Migration and Development at https://www.gfmd.org/pfp/ppd/19211#:~:text=Summary%3A,functions%20into%20a%20digital%20space. (Last accessed 25 July 2024).

[47] In fact, Foreign Minister Kofe has called on all countries forming relations with Tuvalu to recognise the statehood of the nation as permanent, even if Tuvalu loses all its land territory due to sea level rise, see 'Protecting Tuvalu's Statehood' Chain Reaction (June 17 2022) <www.foe.org.au/protecting_tuvalus_statehood>.

[48] Protecting Tuvalu's Statehood' Chain Reaction (June 17 2022) <www.foe.org.au/protecting_tuvalus_statehood>.

affected populations legally exposed even as their state endures on paper. The current international legal order—grounded in land territory as the anchor of sovereignty and in narrow definitions of various causes of mobility—does not yet provide a coherent response to these twin challenges. The pressing question is therefore not whether international law must adapt, but how it can do so and through which instruments.

Practice and innovation suggest emerging pathways forward. The first proceeds through the authoritative reinterpretation and consolidation of existing law, while the second requires the creation of new binding instruments. Much of the most significant movement in reinterpretation has happened more readily than terra-centric orthodoxy might predict. The ILC's affirmation of a strong presumption in favour of continuing statehood, combined with the ICJ's confirmation in its advisory opinion that a constituent element of statehood may be lost, together begin to detach legal personality from the existence of land. The PIF's insistence that maritime entitlements and baselines persist notwithstanding physical change points in the same direction. These developments thus convert what SIDS have long advanced as aspiration into emerging jurisprudence.

Yet, interpretation does have its limits. It can preserve the legal personality of the state but it cannot, on its own, generate enforceable protection for the people of the state and this remains a lacuna. The refugee and statelessness regimes were not designed for the wholesale loss of territory and *ex-situ* citizenship, however promising, depends on recognition that is not yet forthcoming. Without it, continuity risks becoming a legal fiction. Closing this gap could happen through a dedicated instrument on displacement caused by climate change or through the multilateralisation of existing compacts such as the Falepili Union Treaty or PAC.

Crucially, the Pacific provides an early example of a wider pattern, where the significance of the analysis extends well beyond the region on which it has focussed. The stresses traced herein are transregional: the same tension between a terra-centric legal order and a receding coastline is already emerging in the Western Indian Ocean, where low-lying states confront similar pressures on territory, population and maritime entitlement. The resources for a response are likewise not confined to the Pacific. The Kampala Convention already provides an illustration of a binding regional regime recognising displacement caused by disasters and the effects of climate change. Its confinement to internal displacement speaks to the cross-border gap that persists globally, even as it proves that such instruments can be successfully built.

Whatever legal solution prevails—what this may be remains difficult to say definitively—must carry the intangible. Recognition and mobility that fail to also protect language, spiritual practice and kinship risk reducing continuity to an empty form and rendering displacement a double erasure of both territory and identity. The preliminary findings from the field shared herein underscore that affected communities themselves place these dimensions at the centre of what continuity means. Tuvalu's constitutional entrenchment of perpetual statehood and its Digital Nation initiative are best read as attempts to hold identity and sovereignty together once land can no longer anchor them.

Sea-level rise thus exposes a fundamental gap in the international system, but it also creates an opportunity to demonstrate adaptability. In compelling us to countenance the legally continuous yet territorially absent state, it destabilises the terra-centric language of sovereignty, territory and political membership on which both IR and IL rest, and renders visible the asymmetry between high-emitting territorially secure states and low-emitting, low-lying ones. Whether the rules-based order can hold statehood, sovereignty and identity together in the absence of land will determine not only the fate of many SIDS but also the credibility of the rules-based order itself.

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