

Lilian Yamamoto  
Miguel Esteban

# Atoll Island States and International Law

Climate Change Displacement  
and Sovereignty

# Atoll Island States And International Law Climate Change Displacement And Sovereignty

**Jenny Grote Stoutenburg**



## **Atoll Island States And International Law Climate Change Displacement And Sovereignty:**

**Atoll Island States and International Law** Lilian Yamamoto, Miguel Esteban, 2013-10-25 Atoll Island States exist on top of what is perceived to be one of the planet's most vulnerable ecosystems atolls. It has been predicted that an increase in the pace of sea level rise brought about by increasing greenhouse gas concentrations in the atmosphere will cause them to disappear forcing their inhabitants to migrate. The present book represents a multidisciplinary legal and engineering perspective on this problem challenging some common misconceptions regarding atolls and their vulnerability to sea level rise. Coral islands have survived past changes in sea levels and it is the survival of coral reefs what will be crucial for their continued existence. These islands are important for their inhabitants as they represent not only their ancestral agricultural lands and heritage but also a source of revenue through the exploitation of the maritime areas associated with them. However even if faced with extreme climate change it could theoretically be possible for the richer Atoll Island States to engineer ways to prevent their main islands from disappearing though sadly not all will have the required financial resources to do so. As islands become progressively uninhabitable their residents will be forced to settle in foreign lands and could become stateless if the Atoll Island State ceases to be recognized as a sovereign country. However rather than tackling this problem by entering into lengthy negotiations over new treaties more practical solutions encompassing bilateral negotiations or the possibility of acquiring small new territories should be explored. This would make it possible for Atoll Island States in the future to keep some sort of international sovereign personality which could benefit the descendants of its present day inhabitants.

*Small Island States & International Law* Carolin König, 2022-12-30 What happens under international law if a state perishes due to rising sea levels without a successor state being created? Will the state cease to exist? What would this mean for its population? Have international law and globalization progressed enough to protect the people thus affected or does international law still depend on the territorial state when it comes to protecting entire populations? Exploring these issues this book provides answers to these pressing questions. Focusing on small island states as actors in the international community it evaluates the challenges that the state as a subject of international law faces in general from globalization and humanization and what this means for small island states threatened by rising seas. Highlighting the experience of the indigenous peoples of small island states as collectives and to the individuals living in these states the book addresses fundamental questions of general state theory and international law drawing on an extensive body of source material. As rising sea levels present an increasingly pressing threat to small island states this book highlights the importance of international protection of the individual and the capacity of international organizations to act within existing international law. It identifies pressing problems where immediate action is required and argues that in future the responsibility for protecting individuals could shift to the international community if a sinking island state can no longer protect its population on its own.

**Disappearing Island States in International Law** Jenny Grote Stoutenburg, 2015-07-28 Several low lying

atoll island states are at risk of losing their entire territory due to climate change induced sea level rise In *Disappearing Island States in International Law* Jenny Grote Stoutenburg examines the most relevant and pressing international legal questions facing threatened island states at which point would a sovereign state disappear Who could make that determination Which legal status would its citizens have What would happen to the state's maritime entitlements and its international rights and obligations Does international law protect the international legal personality of states that lose their effective statehood for reasons beyond their control In answering these questions the book goes to the root of a fundamental problem of international law the nature of statehood

*The Concept of Climate Migration* Benoît Mayer, 2016-11-25 This timely book offers a unique interdisciplinary inquiry into the prospects of different political narratives on climate migration It identifies the essential angles on climate migration the humanitarian narrative the migration narrative and the climate change narrative and assesses their prospects The author contends that although such arguments will influence global governance they will not necessarily achieve what advocates hope for He discusses how the weaknesses of the concept of climate migration are likely to be utilized in favour of repressive policies against migration or for the defence of industrial nations against perceived threats from the Third World

*Promoting Efficiency in Jurisprudence and Constitutional Development in Africa* Azubike Onuora-Oguno, 2022-11-14 This book eulogises a personality that has constructed a formidable scholarly and personal legacy that future generations of legal practitioners and socio legal scholars in Africa should look to for guidance and inspiration Divided into three parts the book deals with a longstanding legal practice and scholarship on the role of international law and institutions Additionally the book discussed roles of an African scholar and practitioner to advance socio economic and cultural rights across the continent through contextualised progressive adjudication and from a gendered perspective Finally the book examined the importance of early childhood education and legal education alike the role of the courts in redressing these concerns and the need for greater inclusion of Afro and queer sensitive pedagogies and perspectives Contributors to the book address the role of schools in redressing systemic marginalisation including stigmatisation based on disability and efforts to translate their rights as prescribed in national constitutions and international legal instruments The methodology encompasses a TWAIL approach and the call to revisit orthodox approaches to legal scholarship

***International Law Relating to Islands*** Sean D. Murphy, 2019-03-25 This monograph considers the application of general rules of international law to islands as well as special rules focused on islands notably Article 121 of the UN Convention on the Law of the Sea Such rules have been applied in several landmark cases in recent years including the International Court of Justice's judgments in *Territorial and Maritime Dispute Nicaragua v Colombia* and arbitral awards in the *Chagos Marine Protected Area Arbitration Mauritius v United Kingdom* and the *South China Sea Arbitration Philippines v China* Among other things this monograph explores the legal concepts of islands rocks and low tide elevations methods of securing sovereignty over and the maritime zones generated by islands islands and

historic titles bays and rights problems of delimitation in the presence of islands legal issues arising from changes in islands over time notably from climate change and contemporary techniques for resolving disputes over islands

**Statehood under Water** Alejandra Torres Camprubí, 2016-07-11 In *Statehood under Water* Alejandra Torres Camprubí revisits the concept of statehood through an analysis on how sea level rise and the Anthropocene challenge the territorial demographical and political dimensions of the State. Closely examining the fight for survival undertaken by low lying Pacific Island States the author engages with the legal and policy innovations necessary to address these new scenarios. This monograph reacts against overly formal approaches to the law on statehood and is devoted to the reconstruction of the context in which both the challenges and the measures adopted to tackle them are taking place. Progressively forged within the international community it is the kind of political and ethical framework that will soon inform the potential transformation of the law on statehood.

**Research Handbook on Climate Change and Biodiversity Law** Phillipa C. McCormack, Richard Caddell, 2024-12-09 Presenting cutting edge observations this *Research Handbook* tackles the intersecting crises of biodiversity loss and climate change from a legal perspective. Experts critically analyse international laws and institutions protecting biodiversity highlighting key areas of development conflict and opportunity.

**Small States in a Legal World** Petra Butler, Caroline Morris, 2017-04-29 This book is a unique collection of high quality articles analysing legal issues with particular regard to small states. The small states of the world differ considerably in their geography history political structures legal systems and wealth. Nevertheless because of their size small states face a set of common challenges including vulnerability to external economic impacts such as changing trade regimes and limited ability to diversify economic activity limited public and private sector capacity including the legal and judicial infrastructure a need for regional co operation a vulnerability to environmental changes as well as a limited ability to engage with supranational bodies and the forces of globalisation. This is the first volume of an exciting and unique new series *The World of Small States*. In this work legal experts from small jurisdictions and those with a particular interest in legal issues facing small states explore inter alia ethics in small jurisdictions legal education and the profession in small states the challenges facing small states with mixed legal systems the constitutional arrangements in small states small states as tax havens and intellectual property and competition law issues.

**Statehood, Territory, and International Spaces** Giovanni Distefano, 2024-11-04 *Statehood territory and international spaces* are at the heart of a specific branch of international law the international law of territory. International territorial disputes and their settlement are investigated from the standpoint of legal titles acquisition and loss of territorial sovereignty use of force annexation conquest the right of peoples to self determination and secession ius cogens norms etc. The existence among others of de facto states puppet states drowning and failed States shows the Protean character of statehood. Peculiar territorial regimes are likewise examined international administration leases servitudes protectorates international cities and territories as well as the League of Nations Mandates and the United Nations

Trusteeship system      **The Moral Standing of the State in International Politics** Milla Emilia Vaha, 2021-07-15 Kant's moral and political philosophy has been important in developing ethical thinking in international relations. This study argues that his theory of the state is crucially important for understanding the moral agency of the state as it is discussed in contemporary debates. For Kant, it is argued that the state has not only duties but also controversially inalienable rights that ground its relationship to its citizens and to other states. Most importantly, the state regardless of its governmental form or factual behaviour has a right to exist as a state. The Kantian account provided therefore explores not only the moral agency but also the moral standing of the state, examining the status of different kinds of states in world politics and expectations towards their ethical behaviour. Every state has a moral standing that must be respected in a morally imperfect world gradually transforming towards the ideal condition of perpetual peace.

**Sustainability through Participation?** Birgit Peters, Eva Julia Lohse, 2023-07-03 Can and should participation be a means of achieving sustainability? The concepts of sustainability and participation are both in vogue and many international, supranational and national legal texts and standards refer to these two concepts. However, there are still several unanswered questions that invite legal inquiry: which sustainability? Which kinds of participation? Participation by whom? How are the two concepts of sustainability and participation effectively interlinked in legal provisions? This book approaches the interconnection between sustainability and participation inductively and precisely in areas of law which are commonly associated with sustainability and sustainable development: national, European and international environmental and economic law.

*Climate Change 2022 - Impacts, Adaptation and Vulnerability* Intergovernmental Panel on Climate Change (IPCC), 2023-06-22 The Working Group II contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change. IPCC provides a comprehensive assessment of the scientific literature relevant to climate change impacts, adaptation and vulnerability. The report recognizes the interactions of climate ecosystems and biodiversity and human societies and integrates across the natural, ecological, social and economic sciences. It emphasizes how efforts in adaptation and in reducing greenhouse gas emissions can come together in a process called climate resilient development which enables a liveable future for biodiversity and humankind. The IPCC is the leading body for assessing climate change science. IPCC reports are produced in comprehensive, objective and transparent ways ensuring they reflect the full range of views in the scientific literature. Novel elements include focused topical assessments and an atlas presenting observed climate change impacts and future risks from global to regional scales. Available as Open Access on Cambridge Core.

**Adaptation To Climate Change: Asean And Comparative Experiences** Kheng Lian Koh, Robert Kibugi, Ilan Kelman, Rose-liza Eisma Osorio, 2015-08-05 Adaptation to Climate Change: ASEAN and Comparative Experiences presents a dynamic and comprehensive collection of works from legal scholars around the world that delves into a relatively new frontier on legal aspects of climate change adaptation with focus on the ASEAN region both at the regional level as well as at the national level in some ASEAN countries such as Malaysia.

Philippines and Thailand Other countries not within ASEAN are also represented such as Bangladesh People s Republic of China Sri Lanka and the Republic of Taiwan In doing so it surveys one of the most important issues confronting developing countries today and the challenges to building resilient societies It is an essential source of reference for policy makers administrators the private sector officials scientists academic scholars climatologists NGOs and CSOs in ASEAN and the world

**Migration and Conflict in a Global Warming Era** Silja Klepp, Christiane Fröhlich, 2020-11-18 This Special Issue explores underrepresented aspects of the political dimensions of global warming It includes post and decolonial perspectives on climate related migration and conflict intersectional approaches and climate change politics as a new tool of governance Its aim is to shed light on the social phenomena associated with anthropogenic climate change as well as its multidimensional and far reaching political effects including climate induced migration movements and climate related conflicts in different parts of the world In doing so it critically engages with securitizing discourses and the resulting anti migration arguments and policies in the Global North in order to identify and give a voice to alternative and hitherto underrepresented research and policy perspectives In this way it aims to contribute to a fact based critical and holistic approach to human mobility and conflict in the context of political and environmental crisis

*Sea Level Change and Maritime Boundaries* Antoine Grima, 2023-06-23 Climate change is modifying in varying measure the coastal geography of States The phenomenon is not temporary but is expected to carry on during the 21st century and beyond A distinctive feature of modern international law is the concept of maritime zones Each maritime area is subject to an intricate scheme of States rights and obligations Coastal geography is a fundamental component of a long standing method developed and agreed upon between States to establish the outward limits of these areas A feature of this method is the baseline In international law it is the only reference line from where the outward limits of maritime zones are measured There are clear rules on how this is established along a coast There is a concern amongst a number of States that rising sea water levels as a result of climate change may compel them to shift their baselines inward thus affecting the outward limits of their maritime zones It is clear that the stability of maritime boundaries is put into question and this may bring about serious political legal and economic repercussions This concern may also affect the outcome of dispute settlement procedures before a competent international court or tribunal the purpose of which is to resolve overlapping maritime claims Key questions emerge What is the role played by coastal geography in the legal regime determining the outward limits of maritime zones What are the consequences of changes to coastal geography To what extent are dispute settlement procedures before a Court or Tribunal immune from this concern Is international law able to address this If so in what way and what are its limits What can be done to resolve this

**The Oxford Handbook of the Law of the Sea** Donald Rothwell, Alex G. Oude Elferink, Karen Nadine Scott, Tim Stephens (Law teacher), 2015 Recent maritime disputes environmental disasters and piracy have raised the profile of the law of the sea This Oxford Handbook brings together high level analysis of all of its key aspects examining the role of particular regions in the development of the

law of the sea management of the oceans resources and critical contemporary debates

## **A Ameaça à Integridade**

### **Territorial dos Estados - O Fenómeno dos Estados em Desaparecimento em Face do Aumento do Nível do Mar**

Daniela Martins Pereira da Silva, 2023-06-13 A subida do nível do mar gera inundações nas zonas costeiras afectando particularmente os Estados costeiros baixos em risco de extinção por submersão do seu território. As consequências jurídicas advinentes do desaparecimento do território terrestre de um Estado por causas naturais são incertas do ponto de vista jurídico internacional por se tratar de uma questão inédita e que coloca em causa a noção de territorialidade enquanto fundamento e atributo do Estado Westfaliano. Esta investigação visa problematizar o princípio da integridade territorial luz dos desafios climáticos colocados ao território dos Estados e responder à questão de saber se os Estados em vias de desaparecimento poderão manter o estatuto de Estado se deixarem de cumprir o critério territorial referido na Convenção de Montevideo e caso se extinguam que soluções jurídicas se delineiam.

#### Small Island Developing States

Stefano Moncada, Lino Briguglio, Hilary Bambrick, Ilan Kelman, Catherine Iorns, Leonard Nurse, 2021-10-19 This book explores how vulnerable and resilient communities from SIDS are affected by climate change, proposes and where possible evaluates adaptation activities, identifies factors capable of enhancing or inhibiting SIDS people's long-term ability to deal with climate change, and critiques the discourses, vocabularies and constructions around SIDS dealing with climate change. The contributions written by well-established scholars as well as emerging authors and practitioners in the field include conceptual papers, coherent methodological approaches and case studies from the communities based in the Caribbean Sea and the Indian Atlantic and Pacific Oceans. In their introduction, the editors contextualise the book within the current literature. They emphasise the importance of stronger links between climate change science and policy in SIDS both to increase effectiveness of policy and also boost scholarly enquiry in the context of whose communities are often excluded by mainstream research. This book is timely and appropriate given the recent commission by the Intergovernmental Panel on Climate Change (IPCC) of a Special Report that aims at addressing vulnerabilities especially in islands and coastal areas as well as the adaptation and policy development opportunities following the Paris Agreement. Coupled with this, there is also the need to support the policy community with further scientific evidence on climate change-related issues in SIDS accompanying the first years of implementation of the United Nations Sustainable Development Goals.

#### *Life Adrift* Andrew Baldwin, Giovanni

Bettini, 2017-05-24 *Life Adrift* critically engages with two of the most defining issues of our contemporary global political economy: migration and climate change. In their own right, both are discrete areas of politics, theory, practice and resistance. But as climate and migration are increasingly imagined together as a singular relation, they are giving rise to new horizons of meaning in politics, philosophy, media, art and literature. *Life Adrift* is a collection of essays from across the interpretive social sciences and humanities which treats climate change and migration as a relation that demands theoretical and historical explanation rather than a problem requiring technical and expert solutions. The result is a unique collection offering readers



a means for reconceptualising migration and environmental changes as a site of politics and of political possibility Along the way it addresses a range of topics current in cultural and political theory including democracy place neoliberalism humanism materiality borders affect race and sexuality If climate change stands to redistribute humans and material across the globe then Life Adrift offers a set of critical resources for analysing this coming phenomenon and reimagining what it might mean to be political in a fully immanent world of bodies in flux

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