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RESEARCH ARTICLE

The Right to Remain in a Changing Climate: A Legal Perspective on Climate (Im)mobilities

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ABSTRACT: Climate change is rendering many places increasingly unsafe or difficult to inhabit with dignity, raising fundamental questions about how human rights respond to changing relationships between people and place. While climate mobility scholarship has predominantly focused on those who move, considerably less attention has been paid to communities for whom freedom of movement also encompasses the possibility of remaining. This article examines how existing legal frameworks can ground and give content to emerging claims to a "right to remain" in the context of climate-related (im)mobilities. Rather than proposing a new standalone right, it argues that claims to remain can draw on existing human rights, climate justice, and self-determination. Staying is further approached as a meaningful exercise of agency, shaped by people's attachments, capabilities, constraints, and aspirations. Methodologically, a socio-legal approach brings insights from human geography, environmental psychology, and climate mobility scholarship into dialogue with a doctrinal analysis of international human rights, climate, and environmental law. This place lived experiences of remaining in dialogue with the legal protections and obligations that may sustain them. The analysis identifies important, albeit fragmented, legal foundations for a right to remain, particularly through freedom of movement and residence, culture, self-determination, environmental protection, and protection against arbitrary displacement. Read together, these foundations point beyond a narrow legal focus on preventing displacement towards States' positive obligations to sustain the material, cultural, and environmental conditions that make remaining possible with dignity. Recognising a right to remain in law is only a first step: giving it substantive meaning requires attention to the diverse ways in which staying is understood and exercised. By bringing these dimensions into dialogue, the article contributes to emerging scholarship on the right to remain by connecting its legal foundations with the lived realities of staying.

KEYWORDS: Climate (Im)mobilities, Human Rights, Right to Remain, Right to Stay, Voluntary Immobility

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1. Introduction

In 2017, while climate change was widely perceived as a driver of future displacement, Pacific Islanders rejected proposals for "climate visas," insisting that "Tuvaluans want to continue to be Tuvaluans" (Jung, 2026). That same year, following the declaration of uninhabitability of Santa Lucía village in Chilean Patagonia, members of the community resisted relocation and returned home (Wiegel et al., 2021). From rising seas to mountain valleys, a different set of claims was becoming visible: claims not to move, but to remain. How, then, might we begin to understand the attachments, constraints, and lived complexities behind such decisions?

Approaching such claims is not straightforward. Within dominant climate mobility debates, movement has been treated as the paradigmatic response to climate impacts, leaving immobility at the theoretical margins (Zickgraf, 2018). And when it was finally addressed, it was often seen through a pathological narrative: as trapped and vulnerable populations with little recognised agency (Black et al., 2013).

More recent work in migration studies, human geography and climate (im)mobilities offers a different picture. By analysing staying through more agentic lenses, the concept of voluntary immobility has emerged as "the informed, freely indicated preference to remain in sites exposed to environmental risks" (Farbotko & McMichael, 2019 p. 150). Yet in climate-affected settings, such preference often exceeds the language of individual choice. For some populations, remaining is inseparable from autonomy, identity, cultural continuity, and sovereignty over their lives and futures. In these circumstances, staying becomes a way of claiming the conditions necessary to continue living in place. It is at this point that voluntary immobility acquires normative force, opening the space for the progressive articulation of a right to stay (Iyer & Schewel, 2024).

Yet giving normative content to such claims requires a clear analytical standpoint. This article approaches the question through the combined lenses of climate and mobility justice (Sheller 2018; 2023), while remaining attentive to intersectional and decolonial critiques. This approach is significant for three reasons. First, because staying can be a form of resistance: a refusal of externally imposed futures that treat displacement as inevitable. Second, because demands to remain often arise from communities whose lives are woven into land, water, and place, and who are among those least responsible for the crisis now threatening them. Third, because climate change rarely operates as an isolated driver, but rather reshapes and intensifies injustices already in place (Piggott-McKellar & McMichael, 2021).

When claims to stay arise from affected communities themselves, they must first be grounded in their lived and negotiated realities. To this end, the article brings social-scientific and legal perspectives into dialogue to explore the normative space within which a right to remain[2] may take shape. Hence, after outlining the methodology, it first turns to social-science approaches[3], tracing the diverse ways in which staying is explored across climate-affected contexts. This heterogeneity —spanning attachments, risk perceptions, adaptation limits and resistance— should guide subsequent legal and normative reflection. Finally, the discussion considers both the potential content of such a right and the risks of its misuse, including paternalistic governance, maladaptive responses, or anti-mobility agendas. Accordingly, while such claims once lacked political or legal language, they now call for the kind of collective reflection this article seeks to advance.

[2] The terms "right to stay" and "right to remain" coexist in emerging literature and policy frameworks. This article adopts the latter to emphasise continuity rather than immobility: "remaining" conveys sustaining life in place over time and through change, rather than simply the opposite of leaving (Cambridge Dictionary).

[3] "Social science scholarship" refers here to socio-environmental and climate scholarship, migration studies, development and risk research, and gender and intersectionality scholarship. Legal scholarship is treated separately for analytical purposes, reflecting the article's aim to place these bodies of knowledge in dialogue.

2. Methodology

This article adopts a socio-legal methodology to examine how legal frameworks engage with the experiences of those who remain in climate-affected contexts (Webley, 2019). Focusing on emerging claims to a "right to remain", it explores the extent to which existing legal frameworks recognise, conceptualise, or constrain claims to remain in place within climate-related (im)mobilities. In doing so, the analysis situates law within the broader social realities from which such claims emerge.

The research unfolds in two stages. The first engages with interdisciplinary scholarship on staying in climate-affected contexts, drawing on environmental studies, migration research, risk sciences, and gender and intersectional perspectives. This ordering is deliberate: rather than imposing a legal framing from the outset, the analysis begins with empirical and conceptual insights from the social sciences. While this does not eliminate normative assumptions, it helps make them explicit and reduces the risk of prematurely assuming the existence of a "right to remain" (Webley, 2019).

The literature review was conducted through keyword-based searches in Google Scholar, Scopus, and Web of Science. Sources were selected for their relevance to climate (im)mobilities, staying, and claims to remain, while studies focusing exclusively on migration or displacement were excluded. The review was not intended to be exhaustive, but to identify a representative and analytically relevant corpus. This process yielded 75 high-relevance sources, supplemented by additional background materials (Figure 1).

Using thematic analysis (Saldaña, 2016) recurring themes were grouped into clusters, including place attachment, risk perceptions, habitability and its limits, power relations, and immobility as resistance. These themes informed the second stage: a doctrinal analysis of international legal frameworks relevant to climate-related (im)mobilities, human rights protection under environmental change, and situations where remaining in place is at stake.

The analysis brings together human rights instruments, protections to specific groups, climate and environmental frameworks, and instruments on displacement and mobility. These sources are organised in Table 1 and complemented by interpretative materials—including General Comments, Special Rapporteur reports, and relevant case law—where they clarify the scope of the rights involved.

Drawing on insights from the first stage, the analysis examines whether and how existing frameworks protect the conditions necessary for remaining in place. Particular attention is paid to proportionality as a tool for navigating tensions between competing rights and obligations. By placing these bodies of knowledge in dialogue, the research identifies convergences, as well as gaps and tensions between socio-environmental understandings of immobility and legal protections. While the analysis generates new insights, it remains shaped by the scope and fragmentation of the secondary sources on which it is based.

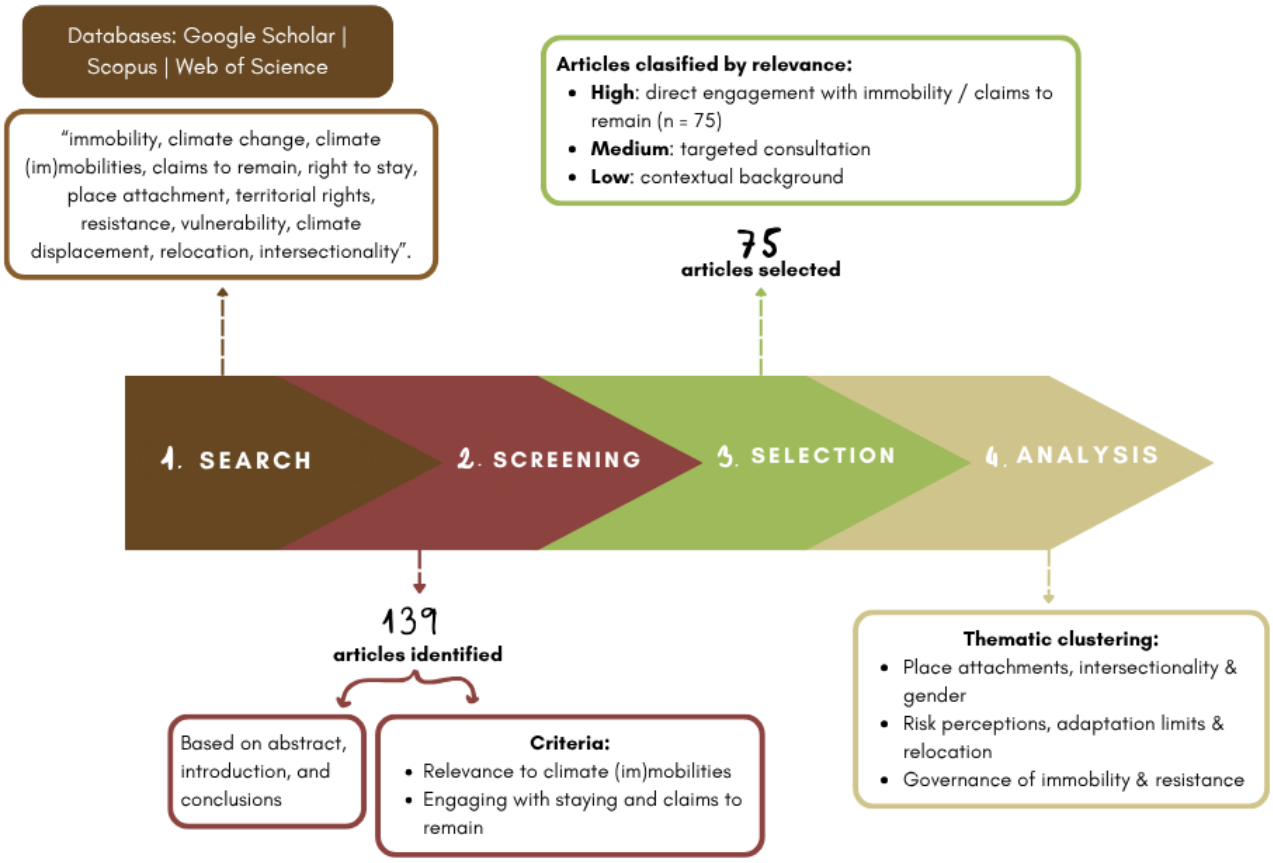
3. Results

Far from being a homogeneous condition, staying takes multiple forms and meanings. These become visible in the relationships that bind people to territory, in the tensions that emerge as adaptation reaches its limits, and in the ways staying itself is governed. Together, these perspectives provide the foundation for examining an emerging right to remain.

3.1 Socio-cultural and affective reasons for remaining

A growing body of scholarship challenges the assumption that decisions to stay or move are primarily driven by economic rationality (Adams, 2016). Instead, environmental psychologists and geographers have foregrounded the role of place-based attachments in shaping (im)mobilities.

Figure 1 – Social Sciences Literature Review Process



***Source**: Author's own elaboration*

Place attachment broadly refers to the emotional and social bonds that individuals develop with specific environments (Di Masso et al., 2019; Raymond et al., 2020). Related notions such as place-belongingness further emphasize how these connections are embedded in shared histories, cultural practices, and collective identities (Yee et al., 2022). Territories are not merely sites of residence, but socially meaningful spaces through which people understand themselves and their place in the world (Adams, 2016).

In its most enabling form, place attachment and voluntary immobility are mutually reinforcing. Attachment to place become a key driver of staying at both household and community levels (Transiskus & Gholamzadeh Bazarbash, 2024; Thomas et al., 2025). Over time, people actively shape their environments through everyday practices; cultivating land, building homes, sustaining livelihoods, and reproducing social life. Territories therefore reflect more than emotional preference: they may embody morally significant relationships between people and place (Oberman, 2011).

For some Indigenous communities, however, relationships with territory extend beyond what is conventionally captured by place attachment. In Aymara cosmologies[4], mountains may be understood as achachilas—ancestral and protective beings embedded in relationships of respect and reciprocity with communities (Van Kessel, 1996; Iño Daza, 2023). Such understandings unsettle a strict human–nature divide: people are not

[4] The Aymara are an Indigenous people of the Central Andes, principally in Bolivia, Peru and Chile, with longstanding cultural and spiritual relationships with territory (Van Kessel, J., 1996).

simply guardians of their environments but may understand themselves as being guarded by them (Burman, 2017). Staying may therefore sustain relationships that are simultaneously territorial, ancestral, spiritual and social.

In climate-threatened environments, place attachments have been associated with optimism, collective responsibility, and pro-environmental behaviour. Remaining can enable communities to mobilise local knowledge and place-based practices to cope with environmental change. Such pressures may therefore be framed as challenges rather than threats (Mortreux & Barnett, 2009; Blondin, 2021). This highlights the need to better understand voluntary immobility as a potential form of in situ adaptation.

This is particularly relevant in communities highly dependent on natural resources, such as rural and mountain communities, where place attachment is closely tied to specific environments and ways of life (Blondin, 2021). While such communities often develop place-based knowledge and adaptive practices, their ability to remain is frequently constrained by structural inequalities and limited institutional support (Anton & Lawrence, 2014). Recent discussions of "rootedness" (Best et al., 2022) suggest that attachment is not only affective, but also shaped by livelihoods, social networks, and institutions (Aviel et al., 2025). Staying, in this sense, depends not simply on preference, but on the capabilities to stay, where local institutions play a key role in enabling viable futures in place.

Yet place attachment is inherently ambivalent. The same bonds that foster resilience and continuity may also limit people's capacity to respond to environmental change. Social obligations, cultural expectations, or spiritual ties can make mobility difficult, undesirable, or too costly in non-material terms. In this sense, the line between chosen and constrained immobility becomes difficult to sustain: moving may entail profound socio-cultural loss, while staying may remain the preferred option despite increasing material hardship (Thalheimer et al., 2025).

Furthermore, immobility is not experienced equally. A closer look at staying reveals important gendered inequalities. As Massey (1994) argued, place is symbolically gendered and closely tied to power relations and socio-spatial control. What appears as voluntary staying may reflect structural constraints that narrow viable alternatives. Empirical studies show that women's immobility in climate-risk contexts is often shaped less by autonomous attachment than by expectations of loyalty, family honour, and care responsibilities (Tripathy Furlong et al., 2022).

This perspective cautions against treating immobility as inherently empowering. Instead, it must be situated within the broader power relations through which agency is negotiated. While immobility may create new roles and responsibilities for women, these shifts are neither automatic nor necessarily transformative (Castillo Betancourt & Zickgraf, 2025). As Rao et al. (2025) show, even where women possess formal land rights, access to financial and agricultural support structures frequently remains male dominated, illustrating how agency may be negotiated within, rather than outside, patriarchal structures.

An intersectional lens further enriches our understanding of staying. It reveals how gender intersects with age, race, ethnicity, socioeconomic status, disability and other social positions, producing differentiated capabilities to stay, move or return (Castillo Betancourt & Zickgraf, 2025). Staying therefore emerges not as a uniform expression of attachment or choice, but as a heterogeneous experience in which agency, constraint and belonging are continuously negotiated through intersecting power relations (Cho et al., 2013).

3.2 Living with risks: Perceptions, habitability and limits

While socio-cultural dimensions help explain why people prefer to stay (Debray et al., 2025), they leave open important questions about vulnerability, habitability[5], and the limits of staying under conditions of increasing environmental risk.

Much climate risk governance continues to rely on technical and quantitative assessments, often at the expense of the social and emotional dimensions through which environmental change is lived (Robins et al., 2024). Against this backdrop, an "emotional turn" in climate risk research has redirected attention towards how individuals and communities interpret environmental risks and assess the need to move (Wiegel et al., 2021, p. 2).

Environmental risks extend beyond objective measurements, as they are socially and culturally mediated through lived experience (Parsons, 2019). Familiarity with local environments may normalise hazards and reduce perceived urgency (Kutor et al., 2025), while distrust in institutions can lead communities to contest official risk narratives and resist externally driven responses (Wiegel et al., 2021; Dalla Fontana, 2025). These dynamics help explain why remaining may still be perceived as viable or preferable even in recognised risk contexts (Piggott-McKellar & McMichael, 2021).

Risk must also be understood temporally. Climate-related (im)mobilities are often discussed in relation to sudden and visible hazards, where potential consequences appear immediate and urgent. Yet much of climate change unfolds through slow-onset processes, where the likelihood of harm increases gradually and clear thresholds of crisis remain difficult to identify. The lack of obvious warning signals thus complicates perceptions of risk and blurs decisions around "voluntarily" staying and moving.

As Robins (2024) notes, there is a need to better conceptualise remaining under conditions of slow environmental degradation. In this regard, Wiegel's notion of a "perceived need to migrate" highlights how decisions to remain are shaped by locally grounded interpretations of risk. Evidence from the Chilean Patagonia illustrates how communities may contest external declarations of uninhabitability, drawing instead on past experiences of relocation, distrust in authorities, and place-based knowledge (Wiegel et al., 2021).

Importantly, a preference to remain does not equate to reduced vulnerability. Populations described as voluntarily immobile may continue to face significant environmental and socio-economic risks, and their decision to stay should not justify diminished protection or exclusion from policy responses (Farbotko & McMichael, 2019; Yee et al., 2022). Indeed, an uncritical celebration of staying may obscure forms of maladaptation, particularly where responses fail to address structural inequalities or compromise long-term wellbeing.

This, in turn, points directly to the question of adaptation limits. Such limits arise when core aspects of wellbeing—such as access to drinking water, secure livelihoods, or the continuity of valued ways of life—can no longer be maintained despite adaptive efforts (Dow et al., 2013). Planned relocation often exposes the political and ethical stakes of defining these limits: the point at which further adaptation is deemed impossible or ineffective. This so-called "last resort" option becomes normalized when authorities deem certain lives and places no longer protectable, and therefore uninhabitable.

Yet adaptation limits are not purely biophysical, technical, or economic constraints (Sakdapolrak et al., 2024). A common distinction is drawn between "hard" limits—irreversible thresholds beyond which no adaptation is possible—and "soft" limits, where adaptation is constrained by resources, institutions, or capacity. Many soft limits reflect not ecological inevitability, but governance failures and unequal access to support. As Adger et al. (2018) argue, limits ultimately depend on the goals adaptation is intended to serve, goals that are socially and politically defined rather than strictly biophysical. This raises a further question: who defines and

[5] Habitability is understood not as a purely environmental or objective condition, but as the capacity of a socio-ecological system to sustain livelihoods and meaningful forms of dwelling in place (Sterly et al., 2025).

negotiates those goals? Are communities themselves involved in defining their own adaptation limits and the futures they wish to sustain in place?

Comparative evidence suggests that adaptation priorities are socially negotiated rather than predetermined. While some communities prioritise cultural and social continuity under climate threat, others—as Warner et al. (2016) document among Costa Rican farmers— may place greater emphasis on livelihood security. This underscores the inherently subjective and place-based nature of valued objectives and suggests that reaching adaptation limits does not necessarily mean the end of adaptation (Dow et al., 2013; Sakdapolrak et al., 2024).

Instead, it marks a critical juncture: communities must either live with accumulating loss and damage, re-negotiate what is worth protecting, or pursue transformational change to avoid intolerable risk (Feola, 2015). In doing so, they continue to exercise agency and self-determination within constrained environments, carving out their own "room for manoeuvre" within broader (im)mobility processes (Boas et al., 2022).

3.3 The Governance of Remaining

An intersectional and mobility justice lens (Sheller, 2018) shifts the analytical focus from individual "preferences and constraints" to the broader governance of (im)mobility. Within this framing, staying is shaped not only by attachments or risk perception, but by climate mobility regimes and the power relations through which they are maintained. A governance paradox therefore emerges: despite growing recognition that mobility and immobility coexist (Foresight, 2011; IPCC, 2022), policy and legal responses remain predominantly oriented towards movement, rendering those who remain comparatively invisible (Thornton et al., 2023). Even where immobility is acknowledged, it is commonly framed through vulnerability, obscuring its agentic and legitimate dimensions.

These regimes do not simply respond to climate threats; they also shape the horizon of future possibilities within which staying becomes thinkable, legitimate, or viable. Paprocki's (2022) notion of anticipatory ruination captures how climate governance may foreclose certain futures in advance, presenting particular forms of adaptation or mobility as inevitable while rendering other futures—including staying—increasingly difficult to imagine or sustain. The issue is therefore not simply one of (im)mobility outcomes, but of who participates in determining which futures remain possible and whether staying is meaningfully supported alongside mobility.

Yet this mobility-centred landscape is beginning to change. Emerging policy and legal developments increasingly recognise staying not simply as the absence of movement, but as an adaptation objective in its own right. The Australia–Tuvalu Falepili Union Treaty (2023), for example, combines a dedicated mobility pathway with a commitment to support adaptation that enables Tuvaluans to remain in their homes "with safety and dignity" (Arts. 2–3). In the Marshall Islands, the "right to remain" has similarly been articulated as a core principle of climate adaptation within a process explicitly grounded in self-determination (Republic of the Marshall Islands, 2020). At the regional level, the Pacific Regional Framework on Climate Mobility makes staying in place an explicit priority of climate mobility governance (Pacific Islands Forum, 2023), while the Global Principles for Addressing Climate Mobility (2026) extend this recognition to the global level by incorporating the "right to stay" within a UN Member State-led rights-based framework. Staying is thus moving from the margins of climate mobility governance towards a more visible place within climate adaptation.

Yet this emerging institutional recognition should not obscure where many claims to remain originate. Communities have long articulated demands to remain from below, reframing staying not as a problem of vulnerable places, but as a question of agency and global justice (Farbotko, 2022).

Importantly, such claims are not grounded in static notions of place, but in dynamic and relational attachments often sustained through mobility itself. Farbotko (2022) conceptualises these practices as anti-displacement and re-emplacements mobilities, through which communities resist imposed displacement by actively

remaking place *in situ*. Circular mobilities may thus sustain livelihoods and cultural continuity, challenging a strict binary between mobility and immobility. The capability to remain may therefore be closely linked to access to mobility (Kaufmann et al., 2004; Blondin 2021). Governing staying consequently requires conditions in which movement remains possible, so that staying is supported rather than rendered maladaptive.

A decolonial perspective further challenges approaches that isolate climate change as a driver of (im)mobility. It highlights how dominant understandings of climate change are themselves shaped by epistemic frameworks developed in the Global North and subsequently applied elsewhere (Chao & Enari, 2021). From this perspective, climate (im)mobilities unfold within longer histories of dispossession, mobility restriction, and unequal access to land and resources (Sheller, 2018). For many Indigenous and pastoralist communities, mobility has historically been a key adaptive strategy, yet land dispossession and mobility restrictions have undermined both the ability to move and to remain (Yumagulova et al., 2023). Governing immobility therefore requires a decolonial and intersectional lens attentive not only to climate risks, but also to the historical and structural conditions that shape the possibility of staying (Thornton et al., 2023; Robins et al., 2024).

These practices can ultimately be read as situated forms of resistance oriented towards continuity and self-determination. Alternative (im)mobilities may enact what Latin American scholars describe as "re-existence": processes of reterritorialization through which people reclaim nature, culture, and belonging while creating other ways of inhabiting territory. As Scott (1985, p. 301) argues in Weapons of the Weak, the aim of such resistance is not necessarily to overthrow or transform the system of domination, but rather to survive — today, this week, this season — within it. From this perspective, a right to remain may emerge as a site of justice: a political claim to remain on one's own terms and to participate in shaping the conditions that make staying possible, dignified, and self-determined.

3.4 Legal Architecture of the Right to Remain

The growing recognition of voluntary immobility has prompted renewed efforts to articulate a "Right to Remain"[6] in climate-affected contexts. These emerging formulations draw on migration scholarship and are increasingly grounded in human rights, social and climate justice, and self-determination (Iyer & Schewel, 2024; Düvell, 2025; Thomas et al., 2025; Baggio, 2025; Whelan, 2025; Kerwin 2025). While its legal status remains unsettled (Robins et al., 2024), the right broadly concerns the capability to remain in one's home, community, or territory without arbitrary displacement (Bustos & Marti Exposito, 2026), and to exercise agency over whether and how to remain as circumstances change. Rather than constituting a wholly new right, it may be understood as emerging from the interaction of existing rights, obligations and legal principles. The analysis that follows reconstructs the legal architecture through which this claim may be recognised and operationalised.

3.4.1. Existing Legal Frameworks

Table 1 illustrates how the Right to Remain emerges from the interaction of multiple normative frameworks, each contributing distinct material, cultural, environmental, and institutional foundations for remaining in place.[7]

[6] The language of a "right to remain or stay" predates climate debates, building on earlier discussions of displacement, attachment to territory, and Indigenous protecting ancestral lands, non-displacement and self-determination (Oberman, 2011; Morel, 2013; Ottonelli & Torresi, 2022). Climate and migration scholarship has increasingly connected these debates to adaptation and climate justice (Farbotko, 2018; Iyer & Schewel, 2024).

[7] Table 1 maps the main legal foundations of a Right to Remain. The analysis that follows examines how jurisprudence, UN human rights mechanisms, and emerging legal claims have interpreted these foundations in relation to remaining.

Table 1

NORMATIVE DIMENSION	MAIN INSTRUMENTS	CORE RIGHTS AND PRINCIPLES	CONTRIBUTION TO THE RIGHT TO REMAIN
Individual Human Rights	→ UDHR → ICCPR → ICESCR	Life; freedom of movement and residence; home and family life; adequate standard of living	Establishes rights protecting both the freedom to remain and the material conditions necessary to do so with dignity.
Collective and Territorial Rights	→ UNDRIP	Self-determination, territorial and cultural rights	Grounds remaining in collective continuity, territorial relationships and self-determination.
Protection against displacement	→ GPID →Peninsula Principles	Protection and prevention against arbitrary displacement, choice of residence and return	Protects the possibility of remaining before displacement occurs and provides safeguards where displacement cannot be avoided.
Climate Mobility Governance	→ Pacific Regional Framework on Climate Mobility; →Global Principles for Addressing Climate Mobility	Staying; mobility; adaptation; participation and self-determination	Signals an emerging explicit recognition of staying within climate mobility governance.
Climate and Environmental Governance	→ UNFCCC →Paris Agreement → Cancun AF	Adaptation; healthy environment; loss and damage; international cooperation	Provides a broader framework through which conditions for remaining may be sustained through adaptation.

***Source**: Author's own elaboration*

3.4.2. When Freedom of Movement Includes the Right to Remain

The legal foundations of the right to remain can be traced, first, to the right to freedom of movement and residence (UDHR, Art. 13; ICCPR, Art. 12). Recognised as an indispensable condition for the free development of the individual (IACtHR, AO-32/25, 2025), this right encompasses not only the ability to move, but also the freedom to choose one's place of residence and protection against forced displacement (HRC General Comment No. 27, para. 7, 1999).

Climate change has sharpened the relevance of this right. By interacting with pre-existing vulnerabilities and structural drivers of displacement, it constrains freedom of movement in multiple ways (Inter-American Court of Human Rights, Advisory Opinion 32/25, para. 417, 2025). Increasing attention is therefore being paid to those for whom freedom of movement also entails the possibility of staying in one's home (Jung, 2026).

This understanding is beginning to surface in climate-related jurisprudence. Building on IACHR Resolution No. 2/24, the Inter-American Court expressly recognises individuals and communities that "do not wish to migrate or relocate for cultural, traditional, economic, or social reasons, among others" (IACtHR, AO-32/25, para. 419). At the domestic level, the Colombian Constitutional Court (T-123/24, 2024) addresses populations

whose profound connection to territory—including peasants and Indigenous Peoples—persists despite acute environmental degradation. Together, these developments broaden the understanding of freedom of movement to include both the freedom to leave and the freedom to remain.

This becomes particularly significant where climate impacts constrain the conditions for exercising that freedom. Where deteriorating habitability, safety, or access to water, food and livelihoods effectively compels movement, the right to remain in one's chosen place of residence may itself be undermined (IACtHR, AO-32/25, 2025 para. 113(viii).

This shift towards earlier protection is already becoming visible in emerging human rights guidance. The UN Special Rapporteur on the human rights of internally displaced persons has called on States to guarantee freedom of movement and residence and to "prioritize the right to remain and prevent displacement" through measures addressing environmental risks, vulnerability, exposure and climate adaptation (A/HRC/56/47, 2024). The protection of freedom of residence may therefore require action before movement becomes unavoidable—a question that brings the positive obligations of States directly into view.

3.4.3. Protecting the Conditions for Remaining: States' Positive Obligations

Recent jurisprudence increasingly connects the prevention of climate-related displacement with States' human rights obligations. As recognised by the Inter-American Court, protecting interdependent rights—including life, an adequate standard of living, culture, self-determination and a healthy environment—is essential to preventing climate-induced displacement (IACtHR, AO-32/25, para. 423). These rights protect interconnected dimensions of what makes remaining possible and are therefore examined collectively.

The right to life (Art.6 ICCPR) plays a foundational role within this framework. Interpreted as encompassing life with dignity, it imposes positive obligations on States to address foreseeable threats, including environmental and climate risks. In Teitiota v. New Zealand (2020), the Human Rights Committee recognised that climate impacts may threaten the right to life through the progressive deterioration of living conditions. Billy v. Australia (2022) reinforced this preventive logic: in assessing Article 6, the Committee considered whether timely State action could prevent living conditions from becoming incompatible with the right to life.

Similar obligations arise from the protection of home and an adequate standard of living. Access to water, food and housing (ICESCR, Art. 11) together with protection of private and family life and home (ICCPR, Art. 17) shapes the material conditions necessary to sustain life in place over time. Similar protection is afforded under Article 8 ECHR. The Greenpeace Netherlands v. The State of the Netherlands (2026) or "Bonaire judgment" gives this connection concrete expression: The Court found that the State had failed to take timely and appropriate adaptation measures despite the long-known vulnerability of Bonaire, breaching its positive obligations under Article 8 ECHR, and ordered the adoption of an adaptation plan. The case thus brings into view a less visible dimension of adaptation: its role in protecting home, private and family life as conditions deteriorate.

Cultural rights further highlight the importance of continuity in place. Article 27 ICCPR and Article 15 ICESCR protect the ability of individuals and communities—particularly minorities and Indigenous Peoples—to maintain cultural practices, identities and relationships with land and natural resources. For Indigenous Peoples, these protections are closely intertwined with rights to lands and territories, safeguarding the continued use and enjoyment of ancestral lands. This connection is reflected in Billy v. Australia (2022) the where the Human Rights Committee found that environmental degradation affecting ancestral lands impaired the authors' enjoyment of culture. Protecting the possibility of remaining may therefore be integral to cultural continuity where cultural life is inseparable from territory (Pérez & Tomaselli 2021).

Finally, the right to a clean, healthy and sustainable environment strengthens this preventive framework by enabling environmental harm to be addressed before other rights are impaired (UNGA Res. 76/300; IACtHR,

AO-32/25; ICJ Climate Advisory Opinion, 2025). Its procedural dimensions—including access to information, participation and remedies— also enable communities to shape adaptation responses rather than merely receive them. In this sense, environmental protection concerns both the conditions for remaining and communities' agency in shaping how adaptation takes place.

Together, these protections point towards an evolving duty of care to safeguard the human rights underpinning the possibility of remaining. States may therefore be required not only to prevent displacement, but to act on foreseeable climate risks before they make remaining untenable. The Bonaire Judgement gives this logic concrete expression, finding inadequate and untimely adaptation incompatible with the State's positive obligations and duty of care.

Nor can sustaining these conditions rest solely on States most exposed to climate harm. The ICJ Climate

Advisory Opinion (2025, para. 211) reaffirmed international cooperation—including financial assistance, technology transfer and capacity-building—as part of States' climate obligations, including on adaptation. The right to remain therefore reaches beyond national borders: sustaining the conditions for remaining is also a question of international responsibility and climate justice.

3.4.4. Human Rights in Tension and the Proportionality Test

Climate-related relocation may bring human rights obligations into tension. Rights sustaining the possibility of remaining—including freedom of residence, self-determination, home, family and culture (CESCR General Comment No. 27, 2025)—may confront States' positive obligations to protect life, health and security from serious climate risks (HRC, General Comment No. 36, para. 65, 2019). The question is when, and under what conditions, claims to remain may legitimately be limited.

International human rights law addresses such tensions through proportionality. Under Article 12(3) ICCPR, restrictions on freedom of movement and residence must be lawful, pursue a legitimate aim, and be necessary and proportionate (HRC, General Comment No. 27, 1999). In climate-related relocation, this requires considering whether serious risks can reasonably be addressed through less restrictive alternatives before displacement is pursued (McDermott & Gibbons, 2017; CESCR General Comment No. 27, 2025). In situ adaptation—including measures addressing infrastructure, water, livelihoods or environmental vulnerability—may enable communities to remain safely. Where such measures are feasible, relocation may fail the requirements of necessity and proportionality; where risks remain serious and unavoidable, relocation may be justified, but its necessity must be demonstrated rather than presumed.

Recent UN guidance increasingly makes this ordering explicit. In 2024, the Special Rapporteur on adequate housing called on States to explore all feasible alternatives to displacement and respect the "right to remain in situ whenever possible and desired by residents" (A/HRC/55/53, 2024, para. 68).

The subsequent Guiding Principles on Resettlement go a step further: remaining is to prevail unless relocation or resettlement can be justified as lawful, necessary, proportionate and rights-compliant decision (A/HRC/61/43, 2026, Principle III.4). Read in dialogue with rights to return and rights-compliant resettlement, these developments reinforce the idea of the Right to Remain as a starting point; not an absolute prohibition on movement but a presumption in favour of remaining.

The proportionality test operates as a critical filter, requiring States to consider less restrictive measures—particularly adaptation capable of sustaining safe and dignified life in place—before resorting to relocation (IACHR Resolution No. 2/24, 2024). Proportionality thus shifts the legal inquiry upstream: before displacement is accepted as necessary, States must demonstrate what has been done—and why it has proved insufficient—to make staying possible. In this sense, the right to remain does not guarantee absolute permanence, but protects the possibility of remaining before displacement is deemed inevitable in climate-affected contexts.

4. Discussion

The "right to remain" emerges at the intersection of social and legal understandings of (im)mobility (Iyer & Schewel, 2024). While often taken for granted, the possibility of remaining has rarely been interrogated in terms of its content, limits, or the obligations it entails (Farbotko et al., 2020; Zickgraf, 2021). Reframing the right to remain therefore changes the terms of the discussion. The question is no longer simply about remaining, but whether States are sustaining the conditions that make remaining possible and dignified.

In parallel, it operates as a critical lens against the dominance of mobility-centred paradigms, exposing how both scholarship and policy have largely prioritised movement while marginalising those who remain (Zickgraf, 2018; Schewel, 2020; Dijstelbloem, 2024).This bias is then reflected in legal frameworks that remain structurally reluctant to act early enough to preserve the habitability of places and the continuity of communities who wish to stay (Robins et al., 2024).

Across the social sciences, staying reveals how place attachment, risk perceptions, power relations, and adaptation limits are negotiated, often emerging as a form of resistance (Farbotko, 2022). By contrast, legal frameworks provide a powerful yet fragmented basis for protecting those who remain, grounding such protection in a constellation of rights related to life, privacy, housing, culture, and freedom of movement.

As these perspectives are brought into dialogue a fundamental tension emerges between the heterogeneity of immobility and the rigidity of existing legal frameworks. Binary distinctions fail to capture the complexity of staying, which is rarely reducible to a simple opposition between choice and constraint (Gaibazzi, 2015). Rather, remaining in place emerges from overlapping constellations of social obligations, cultural attachments, traditional knowledge, and perceptions of risk. Agency, in this context, is not exercised in the absence of constraints, but through the capacity to act within and navigate them (Sajja & Adim, 2026).

Legal frameworks often rely on restrictive thresholds when assessing harm, particularly in relation to the right to life. Teitiota v. New Zealand (2020) reveals a paradox: although climate change was recognised as a serious threat and States' positive obligations were affirmed, the applicant's situation had not yet reached the threshold required to establish a violation. Legal protection therefore risks arriving only once conditions have become sufficiently severe, leaving little room for anticipatory intervention in the context of slow-onset climate impacts. A right to remain, however, cannot depend on thresholds that are triggered only once conditions become intolerable, nor in simplified notions of autonomy that overlook the structural and relational constraints shaping decisions to remain.

Notwithstanding these constraints, this article has demonstrated that the right to remain can already be operational within existing legal reasoning (McDermott & Gibbons, 2017). Through tools such as the proportionality test, it becomes possible to delineate its scope, limits, and corresponding duties. What remains lacking is not normative substance, but greater coherence and articulation. In this sense, the "naming effect" offers a promising pathway (Felstiner et al., 1981; Iyer & Schewel, 2024): by explicitly recognising the right to remain, implicit protections can be consolidated into a more coherent and enforceable standard capable of guiding State action.

At the same time, legal doctrine itself offers entry points for addressing some of its own limitations. The notion of foreseeable threats to life, reflected in General Comment No. 36, establishes that States are under a duty to act where risks are known or ought reasonably to have been known (Human Rights Committee, 2018, para. 7). In the context of climate change, where harm often unfolds gradually, this principle opens the door to a more anticipatory form of protection aimed at sustaining habitability and enabling people to remain in place.

Importantly, the articulation of a right to remain is not entirely novel. Earlier attempts to frame a "right to remain" in the early 1990, revealed an enduring ambivalence[8]: such claims may be mobilised not only to protect agency, but also to justify containment and restrict mobility (Morel, 2013; Black & Collyer, 2014). This risk becomes particularly visible where the right to remain is framed without corresponding obligations to ensure safe and dignified living conditions. In such cases, the language of the right may obscure forms of inaction or abandonment, allowing States to defer responsibility while populations remain exposed to escalating climate risks under the guise of a voluntary and self-determined choice (Farbotko et al., 2020). At the same time, the right to remain may be mobilised to justify restricting mobility or deprioritising access to safe migration pathways, shifting its function from protecting individual agency to serving political interests in limiting movement.

Sharpening this critique further, adaptation strategies centred on in situ solutions are not inherently protective and may reproduce a root causes logic. Where such measures fail to address structural inequalities or are implemented without adequate safeguards, they risk becoming forms of maladaptation, reinforcing vulnerability rather than reducing it (Barnett & O'Neill, 2010; Schipper, 2020). These dynamics may also reproduce existing power relations, including gendered burdens placed on those expected to remain (Tripathy Furlong et al., 2022). In such contexts, a right to remain risks reproducing the very vulnerabilities and inequalities it seeks to address.

A right to remain, therefore, cannot be understood in isolation from the broader framework of rights within which it operates. Without guarantees of safety, dignity, and meaningful agency—and without the preservation of mobility as an equally legitimate option (Bakewell, 2008)—it risks losing its normative grounding. Properly understood, the right to remain is not about keeping people in place, but about ensuring that staying is not lost as a just and dignified possibility.

If these risks reveal the dangers of an uncritical articulation of the right to remain, they also open a necessary space to consider what it should be. The reflections that follow propose a set of guiding elements, attentive to the complexities and tensions identified.

The right to remain cannot be reduced to a static entitlement or a presumption that people ought to remain in place. Nor does it seek to reverse the long-standing mobility bias through a similarly reductive "immobility turn" [9]. Rather, it should be situated within a broader landscape of (im)mobilities (Boas et al., 2022), where staying is recognised as one legitimate and necessary option among others (Zickgraf, 2021). In this sense, engaging with the right to remain is about restoring visibility and normative weight to claims that have long remained marginalised.

A further point of convergence across disciplines lies in the rejection of climate change as an isolated explanatory factor (Sakdapolrak et al., 2024). Both strands of scholarship converge in understanding climate-related (im)mobilities as embedded within a broader assemblage of social, political, and economic processes (Boas et al., 2022). Crucially, this complexity unsettles any attempt to treat those who remain as a uniform category. What it means to stay—and under which conditions—varies significantly across contexts, shaped by power relations, gendered roles, and uneven access to resources. Engaging with the right to remain therefore requires intersectional and decolonial perspectives capable of bringing these differentiated realities into view. As Potawatomi scholar Kyle Powys Whyte (2017) reminds us, for many Indigenous peoples climate change is less a novel crisis than a form of "colonial déjà vu", reflecting the continuation of longer histories of

[8] Earlier formulations of a "right to remain", notably advanced by Sadako Ogata in 1993, were criticised as redundant and potentially weakening the right to seek asylum, prompting a shift towards the more negatively framed "right not to be displaced" (Morel, 2013).

[9] The expression draws on Cairns and Clemente's "immobility turn" in relation to post-pandemic immobilities and changing mobility patterns (Cairns & Clemente, 2023, pp. 21–33) but is used here more narrowly to caution against replacing mobility-centred approaches with frameworks that privilege staying as the only legitimate response.

dispossession, displacement, and constrained self-determination. A decolonial lens therefore cautions against treating climate change as an isolated driver of (im)mobility and instead situates contemporary vulnerabilities within these broader historical trajectories.

Aspiration and capability frameworks must be extended to account for the spatial and temporal dimensions of immobility (Zickgraf, 2021). Staying is continually renegotiated as circumstances change, and the capability to stay depends not only on present conditions but on whether viable and dignified futures can be envisioned and constructed in place (Wyngaarden et al., 2023). A meaningful account of the right to remain must engage with how in situ adaptation is imagined and pursued, and how limits are perceived and negotiated over time—including when remaining is no longer viable or desirable. Equally important is the ability of affected communities to access to information and meaningfully participate in defining adaptation priorities, negotiating limits, and shaping the futures they wish to sustain. Policy responses must therefore remain flexible and adaptive, capable of evolving alongside changing realities.

Ultimately, the right to remain can only succeed if climate (im)mobility is treated as a barometer of justice rather than a statistic to be managed. It is also an invitation to understand how people remain connected to territories that are themselves in transformation. It reveals how communities navigate uncertainty, negotiate limits, experience loss and sustain resilience. Seen in this light, the right to remain becomes less a claim about immobility than a reflection on the enduring relationships through which people continue to make place, even as places themselves are changing.

5. Conclusions and future pathways

This article has brought into view what has long remained at the margins of climate mobility debates: the experiences, claims, and aspirations of those who stay. Based on recent literature and legal developments, it has been shown that a "right to remain" is neither an abstract ideal nor a wholly new right. Rather, we may be witnessing an emerging normative trajectory through which claims to remain are acquiring greater legal and political intelligibility.

The literature reviewed demonstrates that staying cannot be dismissed as passivity. It reflects a deeply rooted and morally significant relationship between people and territory. For that reason, displacement and relocation constitute profound forms of uprootedness. Yet, as Simone Weil observed in L'Enracinement (1949, p. 38)[10], uprooting may occur even without physical displacement. People may remain geographically in place while the relationships that give meaning to territory—shared memories, inherited knowledge, everyday practices, and ways of inhabiting it—come under threat.

This insight invites us to recall the responsibility of States not only to respect these attachments and histories, but also to sustain the conditions that allow them to endure across generations, particularly in the face of environmental change and territorial loss. This responsibility is grounded not only in moral considerations, but also in international human rights and environmental law.

Existing legal frameworks reveal potential and limitations. While international human rights law provides a robust normative foundation, its fragmented nature limits its capacity to respond to evolving climate realities. Nevertheless, this article has shown that existing legal reasoning already provides pathways through which claims to remain may be recognised and protected. In particular, proportionality analysis suggests that feasible in situ alternatives should be considered before relocation is deemed necessary. In this sense, the right to remain offers a normative lens through which to re-centre adaptation within human rights frameworks.

[10] Simone Weil writes: "Quoique demeurés sur place géographiquement, ils ont été moralement déracinés, exilés". L'Enracinement. Prélude à une déclaration des devoirs envers l'être humain (Paris: Gallimard, 1949; p.38).

Yet without clearer articulation, this right risks remaining an empty promise. The challenge is therefore twofold: to create political and legal space for the right, and to give it substantive content. Courts and human rights bodies can contribute by clarifying existing protections and strengthening safeguards surrounding remaining in place. Scholars, in turn, can help bridge fragmented conversations between climate (im)mobilities and legal analysis. But the meaning of staying safely and with dignity cannot be determined from above. People's attachments, constraints, capabilities, and imagined futures must be treated as constitutive rather than peripheral to legal responses.

At the same time, the value of staying should not be romanticised. Any articulation of a right to remain must account for the heterogeneous realities through which staying is lived, including the influence of power relations, gendered dynamics, and structural inequalities. Intersectional and decolonial approaches offer important pathways for engaging critically with these complexities. Since meaningful responses must begin from the experiences of affected communities themselves, qualitative and creative methods grounded in rooted experiences and imagined futures offer a promising avenue (Chao & Enari, 2021).

In this light, the right to remain becomes more than a socio-legal claim. It offers a way of understanding how people continue to inhabit, care for, and make sense of changing territories. Across diverse contexts, communities are already asserting it through everyday practices aimed at sustaining life in place: protecting access to water, strengthening solidarity networks, organising women-led initiatives, or developing locally grounded adaptation strategies. The challenge is therefore not simply to recognise a right to remain in law, but to support the diverse ways in which it is already being exercised.

References

Adams, H. (2016). Why populations persist: Mobility, place attachment and climate change. Population and Environment, 37(4), 429–448. https://doi.org/10.1007/s11111-015-0246-3

Adger, W. N., Brown, I., & Surminski, S. (2018). Advances in risk assessment for climate change adaptation policy. Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences, 376(2121), 20180106. https://doi.org/10.1098/rsta.2018.0106

Advisory Opinion AO-32/25: Climate Emergency and Human Rights, Advisory Opinion AO-32/25 (Inter-American Court of Human Rights 29 May 2025). https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf

Anton, C. E., & Lawrence, C. (2014). Home is where the heart is: The effect of place of residence on place attachment and community participation. Journal of Environmental Psychology, 40, 451–461. https://doi.org/10.1016/j.jenvp.2014.10.007

Australia–Tuvalu Falepili Union Treaty (2023). https://www.dfat.gov.au/geo/tuvalu/australia-tuvalu-falepili-union-treaty

Aviel, S., Ryan, K.S., & Gomes, R.S. (2025). Reasons to Stay: A Review of Community-Led Efforts to Generate Rootedness. Journal on Migration and Human Security, 13(1), 101–111. https://doi.org/10.1177/23315024241305406

Bakewell, O. (2008). 'Keeping Them in Their Place': The ambivalent relationship between development and migration in Africa. Third World Quarterly, 29(7), 1341–1358. https://doi.org/10.1080/01436590802386492

Barnett, J., & O'Neill, S. (2010). Maladaptation. Global Environmental Change, 20(2), 211–213. https://doi.org/10.1016/j.gloenvcha.2009.11.004

Best, K., Carrico, A. R., Donato, K., & Mallick, B. (2022). A multicontextual analysis of place attachment, environmental perceptions, and mobility in southwestern Bangladesh. Translational Issues in Psychological Science, 8(4), 461–472. https://doi.org/10.1037/tps0000347

Billy et al. v. Australia, CCPR/C/135/D/3624/2019 (2022). https://juris.ohchr.org/casedetails/3855/en-US

Black, R., Arnell, N. W., Adger, W. N., Thomas, D., & Geddes, A. (2013). Migration, immobility and displacement outcomes following extreme events. Environmental Science & Policy, 27, S32–S43. https://doi.org/10.1016/j.envsci.2012.09.001

Black, R., & Collyer, M. (2014). Populations 'trapped' at times of crisis. Forced Migration Review, 45, 52–56. https://www.fmreview.org/crisis/black-collyer/

Blondin, S. (2021). Staying despite disaster risks: Place attachment, voluntary immobility and adaptation in Tajikistan's Pamir Mountains. Geoforum, 126, 290–301. https://doi.org/10.1016/j.geoforum.2021.08.009

Boas, I., Wiegel, H., Farbotko, C., Warner, J., & Sheller, M. (2022). Climate mobilities: Migration, im/mobilities and mobility regimes in a changing climate. Journal of Ethnic and Migration Studies, 48(14), 3365–3379. https://doi.org/10.1080/1369183X.2022.2066264

Burman, A. (2017). The political ontology of climate change: Moral meteorology, climate justice, and the coloniality of reality in the Bolivian Andes. Journal of Political Ecology, 24(1). https://doi.org/10.2458/v24i1.20974

Bustos, C., & Marti Exposito, M. (2026). Climate Justice for Puerto Rico: The Right to Stay and Energy Sovereignty. SSRN. https://doi.org/10.2139/ssrn.6149786

Cairns, D., & Clemente, M. (2023). The Immobility Turn: Mobility, Migration and the COVID-19 Pandemic. Bristol University Press. https://doi.org/10.51952/9781529230079

Castillo Betancourt, T., & Zickgraf, C. (2025). It's not just about women: Broadening perspectives in gendered environmental mobilities research. Climate and Development, 17(6), 483–504. https://doi.org/10.1080/17565529.2024.2393305

Chao, S., & Enari, D. (2021). Decolonising Climate Change: A Call for Beyond-Human Imaginaries and Knowledge Generation. eTropic: Electronic Journal of Studies in the Tropics, 20(2), 32–54. https://doi.org/10.25120/etropic.20.2.2021.3796

Cho, S., Crenshaw, K. W., & McCall, L. (2013). Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. Signs: Journal of Women in Culture and Society, 38(4), 785–810. https://doi.org/10.1086/669608

Committee on Economic, Social and Cultural Rights. (2025). General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development (E/C.12/GC/27). United Nations Economic and Social Council.

Dalla Fontana, M. (2025). Unpacking opposition to planned relocation: Insight from Pedrinhas and Cedovém, Portugal. Regional Environmental Change, 25(3), 77. https://doi.org/10.1007/s10113-025-02423-8

Debray, A., Ruyssen, I., & Schewel, K. (2025). The Aspiration to Stay: A Global Analysis. International Migration Review, 59(3), 1385–1431. https://doi.org/10.1177/01979183231216087

Di Masso, A., Williams, D. R., Raymond, C. M., Buchecker, M., Degenhardt, B., Devine-Wright, P., Hertzog, A., Lewicka, M., Manzo, L., Shahrad, A., Stedman, R., Verbrugge, L., & Von Wirth, T. (2019). Between fixities and flows: Navigating place attachments in an increasingly mobile world. Journal of Environmental Psychology, 61, 125–133. https://doi.org/10.1016/j.jenvp.2019.01.006

Dijstelbloem, H. (2024). Moving the Immovable: Climate Change and the Multiple Tensions between Mobility and Immobility. Tecnoscienza – Italian Journal of Science & Technology Studies, 51-68. https://doi.org/10.6092/ISSN.2038-3460/18771

Dow, K., Berkhout, F., Preston, B. L., Klein, R. J. T., Midgley, G., & Shaw, M. R. (2013). Limits to adaptation. Nature Climate Change, 3(4), 305–307. https://doi.org/10.1038/nclimate1847

Farbotko, C. (2022). Anti-displacement mobilities and re-emplacements: Alternative climate mobilities in Funafala. Journal of Ethnic and Migration Studies, 48(14), 3380–3396. https://doi.org/10.1080/1369183X.2022.2066259

Farbotko, C., Dun, O., Thornton, F., McNamara, K. E., & McMichael, C. (2020). Relocation planning must address voluntary immobility. Nature Climate Change, 10(8), 702–704. https://doi.org/10.1038/s41558-020-0829-6

Farbotko, C., & McMichael, C. (2019). Voluntary immobility and existential security in a changing climate in the Pacific. Asia Pacific Viewpoint, 60(2), 148–162. https://doi.org/10.1111/apv.12231

Felipe Pérez, B., & Tomaselli, A. (2021). Indigenous Peoples and climate-induced relocation in Latin America and the Caribbean: Managed retreat as a tool or a threat? Journal of Environmental Studies and Sciences, 11(3), 352–364. https://doi.org/10.1007/s13412-021-00693-2

Felstiner, W. L. F., Abel, R. L., & Sarat, A. (1981). The Emergence and Transformation of Disputes: Naming, Blaming, Claiming… Law & Society Review, 15(3–4), 631–654. https://doi.org/10.2307/3053505
Feola, G. (2015). Societal transformation in response to global environmental change: A review of emerging concepts. Ambio, 44(5), 376–390. https://doi.org/10.1007/s13280-014-0582-z
Foresight. (2011). Migration and Global Environmental Change: Future Challenges and Opportunities (BIS/11/1116). Government Office for Science. https://www.gov.uk/government/publications/migration-and-global-environmental-change-future-challenges-and-opportunities
Gaibazzi, P. (2015). Bush Bound: Young Men and Rural Permanence in Migrant West Africa. Berghahn Books. https://doi.org/10.1515/9781805390220
Gaviria Betancur, P. (2024). Planned Relocations of People in the Context of Disasters and the Adverse Effects of Climate Change (Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons A/HRC/56/47). United Nations Human Rights Council. https://docs.un.org/en/A/HRC/56/47
Global Centre for Climate Mobility. (2026). Global Principles for Addressing Climate Mobility. Global Centre for Climate Mobility. https://climatemobility.org/global-principles-for-addressing-climate-mobility/
Greenpeace Netherlands v. The State of the Netherlands, The Hague District Court, Judgment of 28 January 2026, ECLI:NL:RBDHA:2026:1347. https://elaw.org/wp-content/uploads/2026/05/greenpeace-netherlands-and-8-citizens-of-bonaire-v-the-netherlands_46a3674695428a2784f489b29a532140.pdf
Human Rights Committee. (1999). General Comment No. 27: Freedom of Movement (Article 12) (CCPR/C/21/Rev.1/Add.9). https://www.refworld.org/docid/45139c394.html
Human Rights Committee. (2019). General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life (CCPR/C/GC/36). https://docs.un.org/en/CCPR/C/GC/36
International Covenant on Civil and Political Rights (1966). https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights
IPCC. (2022). Climate Change 2022: Impacts, Adaptation and Vulnerability. Cambridge University Press.
Iyer, M. V., & Schewel, K. (2024). Articulating and Claiming the Right to Stay in the Context of Climate Change. Georgetown Immigration Law Journal, 38(2), 207–230. https://www.law.georgetown.edu/immigration-law-journal/in-print/volume-38-issue-2-winter-2024/articulating-and-claiming-the-right-to-stay-in-the-context-of-climate-change/
Iño Daza, W. G. (2023). Kamanis: Guardianes espirituales, criadores y protectores de la producción agrícola en el territorio aimara de Peñas, Bolivia. Naturaleza y Sociedad. Desafíos Medioambientales, (6), 83–114. https://doi.org/10.53010/nys6.03
Judgment T-123 of 2024, Constitutional Court Reports (Constitutional Court of Colombia 2024). https://www.corteconstitucional.gov.co/relatoria/2024/t-123-24.htm
Jung, C. (2026). Refuge, resettlement, open borders, and voluntary immobility: The Ethics of Immigration in a time of climate change. Critical Review of International Social and Political Philosophy, 29(3), 417–436. https://doi.org/10.1080/13698230.2025.2489242
Kutor, S. K., Ofori, O. D., Akyea, T., & Arku, G. (2025). Climate change-immobility nexus: Perspectives of voluntary immobile populations from three coastal communities in Ghana. Climatic Change, 178(2), 14. https://doi.org/10.1007/s10584-024-03849-5
Massey, D. (1994). Space, Place and Gender. Polity Press.
McDermott, R., & Gibbons, P. (2017). Human rights and proactive displacement: Determining the appropriate balance between the duty to protect and the right to remain. Disasters, 41(3), 587–605. https://doi.org/10.1111/disa.12217
Morel, M. (2013). The history and status of the right not to be displaced. Forced Migration Review, (41). https://www.fmreview.org/morel-et-al/
Mortreux, C., & Barnett, J. (2009). Climate change, migration and adaptation in Funafuti, Tuvalu. Global Environmental Change, 19(1), 105–112. https://doi.org/10.1016/j.gloenvcha.2008.09.006
Oberman, K. (2011). Immigration, Global Poverty and the Right to Stay. Political Studies, 59(2), 253–268. https://doi.org/10.1111/j.1467-9248.2011.00889.x
Ottonelli, V., & Torresi, T. (2022). The Right Not to Stay: Justice in Migration, the Liberal Democratic State, and the Case of Temporary Migration Projects (1st edn). Oxford University Press. https://doi.org/10.1093/oso/9780192866776.001.0001

Pacific Islands Forum. (2023). Pacific Regional Framework on Climate Mobility. https://forumsec.org/publications/pacific-regional-framework-climate-mobility
Paprocki, K. (2022). Anticipatory ruination. The Journal of Peasant Studies, 49(7), 1399–1408. https://doi.org/10.1080/03066150.2022.2113068
Parsons, L. (2019). Structuring the emotional landscape of climate change migration: Towards climate mobilities in geography. Progress in Human Geography, 43(4), 670–690. https://doi.org/10.1177/0309132518781011
Peninsula Principles on Climate Displacement within States. (2013). https://www.displacementsolutions.org/peninsula-principles
Piggott-McKellar, A. E., & McMichael, C. (2021). The immobility-relocation continuum: Diverse responses to coastal change in a small island state. Environmental Science & Policy, 125, 105–115. https://doi.org/10.1016/j.envsci.2021.08.019
Rao, N., Sathe, R., & Grist, N. (2025). Gender, intersectionality and climate smart agriculture in South Asia: A review. PLOS Climate, 4(2), e0000482. https://doi.org/10.1371/journal.pclm.0000482
Rajagopal, B. (2024). Resettlement after Evictions and Displacement: Addressing a Human Rights Crisis (Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context A/HRC/55/53). United Nations Human Rights Council. https://docs.un.org/en/A/HRC/55/53
Rajagopal, B. (2026). Guiding Principles on Resettlement (Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context A/HRC/61/43). United Nations Human Rights Council. https://www.ohchr.org/en/documents/thematic-reports/ahrc6143-guiding-principles-resettlement-report-special-rapporteur
Raymond, C., Horton, R. M., Zscheischler, J., Martius, O., AghaKouchak, A., Balch, J., Bowen, S. G., Camargo, S. J., Hess, J., Kornhuber, K., Oppenheimer, M., Ruane, A. C., Wahl, T., & White, K. (2020). Understanding and managing connected extreme events. Nature Climate Change, 10(7), 611–621. https://doi.org/10.1038/s41558-020-0790-4
Resolution No. 2/24: Human Mobility Induced by Climate Change. (2024). Inter-American Commission on Human Rights (Document No. 252). Organization of American States. https://www.oas.org/en/iachr/decisions/pdf/2024/Resolution_2-24_Human_Mobility_Climate_Change.pdf
Robins, D., Saddington, L., Boyd-Macmillan, E., Stojanovic, T., Hudson, B., & Lafortune, L. (2024). Staying put in an era of climate change: The geographies, legalities, and public health implications of immobility. WIREs Climate Change, 15(3), e879. https://doi.org/10.1002/wcc.879
Sajja, A., & Adim, C. V. (2026). Empowered to Stay? Ugandan Refugee Policy and Community Support in Shaping Women's Choices. Journal on Migration and Human Security, 23315024251414120. https://doi.org/10.1177/23315024251414120
Sakdapolrak, P., Borderon, M., & Sterly, H. (2024). The limits of migration as adaptation. A conceptual approach towards the role of immobility, disconnectedness and simultaneous exposure in translocal livelihoods systems. Climate and Development, 16(2), 87–96. https://doi.org/10.1080/17565529.2023.2180318
Saldaña, J. (2016). The coding manual for qualitative researchers (3rd ed). SAGE.
Schewel, K. (2020). Understanding Immobility: Moving Beyond the Mobility Bias in Migration Studies. International Migration Review, 54(2), 328–355. https://doi.org/10.1177/0197918319831952
Schipper, E. L. F. (2020). Maladaptation: When Adaptation to Climate Change Goes Very Wrong. One Earth, 3(4), 409–414. https://doi.org/10.1016/j.oneear.2020.09.014
Scott, J. C. (1985). Weapons of the Weak: Everyday Forms of Peasant Resistance. Yale University Press.
Sheller, M. (2018). Mobility Justice: The Politics of Movement in an Age of Extremes.Verso.
Sheller, M. (2023). Mobility justice after climate coloniality: Mobile commoning as a relational ethics of care. Australian Geographer, 54(4), 433–447. https://doi.org/10.1080/00049182.2023.2178247
Sterly, H., Borderon, M., Sakdapolrak, P., Adger, N., Ayanlade, A., Bah, A., ... & Zickgraf, C. (2025). Habitability for a connected, unequal and changing world. Global Environmental Change, 90, 102953. https://doi.org/10.1016/j.gloenvcha.2024.102953
Thalheimer, L., Cottier, F., Kruczkiewicz, A., Hultquist, C., Tuholske, C., Benveniste, H., Freihardt, J., Hemmati, M., Kam, P. M., Pricope, N. G., Van Den Hoek, J., Zimmer, A., De Sherbinin, A., & Horton, R.

M. (2025). Prioritizing involuntary immobility in climate policy and disaster planning. Nature Communications, 16(1), 2581. https://doi.org/10.1038/s41467-025-57679-9

Thomas, A., Sircar, A., Abu, M., Boyd, E., Howe, L., Pinho, P., Scown, M., & Shenga, C. (2025). Immobility in the Context of Climate Change. Annual Review of Environment and Resources, 50(1), 47–66. https://doi.org/10.1146/annurev-environ-121923-120443

Thornton, F., Serraglio, D. A., & Thornton, A. (2023). Trapped or staying put: Governing immobility in the context of climate change. Frontiers in Climate, 5, 1092264. https://doi.org/10.3389/fclim.2023.1092264

Transiskus, S. F., & Gholamzadeh Bazarbash, M. (2024). Beyond the binary of trapped populations and voluntary immobility: A people-centered perspective on environmental change and human immobility at Lake Urmia, Iran. Global Environmental Change, 84, 102803. https://doi.org/10.1016/j.gloenvcha.2024.102803

Tripathy Furlong, B., Adams, H., Boas, I., Warner, J., & Van Dijk, H. (2022). Gendered (im)mobility: Emotional decisions of staying in the context of climate risks in Bangladesh. Regional Environmental Change, 22(4), 123. https://doi.org/10.1007/s10113-022-01974-4

UNGA Resolution 76/300. (2022). The Human Right to a Clean, Healthy and Sustainable Environment (A/RES/76/300). United Nations. https://docs.un.org/en/A/RES/76/300

Universal Declaration of Human Rights, Resolution 217 A (III) (1948). https://www.un.org/en/about-us/universal-declaration-of-human-rights

Van Kessel, J. (1996). La cosmovisión aymara. Culturas de Chile. Etnografía: Sociedades indígenas contemporáneas y su ideología. Editorial Andrés Bello.

Warner, B. P. (2016). Understanding actor-centered adaptation limits in smallholder agriculture in the Central American dry tropics. Agriculture and Human Values, 33(4), 785–797. https://doi.org/10.1007/s10460-015-9661-4

Webley, L. (2019). The Why and How to of Conducting a Socio-Legal Empirical Research Project. In N. Creutzfeldt, M. Mason, & K. McConnachie, Routledge Handbook of Socio-Legal Theory and Methods (1st edn, pp. 70–82). Routledge. https://doi.org/10.4324/9780429952814-5

Whyte, K. (2017). Indigenous Climate Change Studies: Indigenizing Futures, Decolonizing the Anthropocene. English Language Notes, 55(1–2), 153–162. https://doi.org/10.1215/00138282-55.1-2.153

Wiegel, H., Warner, J., Boas, I., & Lamers, M. (2021). Safe from what? Understanding environmental non-migration in Chilean Patagonia through ontological security and risk perceptions. Regional Environmental Change, 21(2), 43. https://doi.org/10.1007/s10113-021-01765-3

Wyngaarden, S., Humphries, S., Skinner, K., Lobo Tosta, E., Zelaya Portillo, V., Orellana, P., & Dodd, W. (2023). 'You can settle here': Immobility aspirations and capabilities among youth from rural Honduras. Journal of Ethnic and Migration Studies, 49(1), 212–231. https://doi.org/10.1080/1369183X.2022.2031922

Yee, M., Piggott-McKellar, A. E., McMichael, C., & McNamara, K. E. (2022). Climate Change, Voluntary Immobility, and Place-Belongingness: Insights from Togoru, Fiji. Climate, 10(3), 46. https://doi.org/10.3390/cli10030046

Yumagulova, L., Parsons, M., Yellow Old Woman-Munro, D., Dicken, E., Lambert, S., Vergustina, N., Scott, J. C., Michell, P., & Black, W. (2023). Indigenous perspectives on climate mobility justice and displacement-mobility-immobility continuum. Climate and Development, 1–18. https://doi.org/10.1080/17565529.2023.2227158

Zickgraf, C. (2018). Immobility. In R. McLeman & F. Gemenne (Eds), Routledge Handbook of Environmental Displacement and Migration (1st edn, pp. 71–84). Routledge. https://doi.org/10.4324/9781315638843-5

Zickgraf, C. (2021). Theorizing (im)mobility in the face of environmental change. Regional Environmental Change, 21(4), 126. https://doi.org/10.1007/s10113-021-01839-2

Notes on Contributor

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