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Climate Mobilities. Redefining Statehood, Citizenship, and Refugeehood in times of climate crisis

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ABSTRACT: The severe impacts of the climate crisis are transforming not only ecosystems but also our political and legal landscapes. Different forms of environmental degradation, rapid and slow-onset events, disasters, and their interaction with existing conflicts and social vulnerabilities increasingly shape patterns of mobility and immobility, thus posing significant challenges to established categories of statehood, citizenship, and refugeehood. This Special Issue brings together eight interdisciplinary contributions from law and political science, with a focus on the Southern Hemisphere, to examine how the climate crisis unsettles these categories, how they might be rethought to accommodate emerging realities not addressed by current legal and political frameworks, and which legal, judicial, and policy tools can be developed to ensure human rights protection under conditions of climate uninhabitability. The contributions collectively suggest that future governance frameworks should move beyond rigid territorial understandings of sovereignty, reconsider the boundaries of refugee and displacement protection, strengthen rights-based approaches to mobility and immobility adapted to local vulnerabilities, address the intersection of climate change with conflict and structural inequalities, and expand democratic participation in climate governance.
KEYWORDS: Citizenship, Climate mobilities, Refugeehood, Statehood, Uninhabitability

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1. Introduction

The impacts of the climate crisis are becoming increasingly visible and urgent, with scientific evidence highlighting the accelerating transgression of planetary boundaries (Richardson *et al.*, 2023; Planetary Boundaries Science, 2025). Based on Earth system science, the planetary boundaries framework highlights nine fundamental processes necessary to maintain the Earth's stability and resilience: climate change, the rate of biodiversity loss (terrestrial and marine), interference with the nitrogen and phosphorus cycles, stratospheric ozone depletion, ocean acidification, global freshwater use, change in land use, chemical pollution, and atmospheric aerosol loading (Rockström *et al.*, 2009; Steffen *et al.*, 2015).

When the call for papers for this Special Issue was launched in September 2025[1], scientific evidence suggested that six of the nine planetary boundaries had already been surpassed (Richardson *et al.*, 2023). Shortly thereafter, new assessments indicated that a seventh boundary (ocean acidification) had also been crossed, further highlighting the accelerating rate of transgression of previously identified thresholds (Planetary Boundaries Science, 2025). As also confirmed by the Intergovernmental Panel on Climate Change (IPCC), crossing these boundaries has profound repercussions for both natural and human systems, manifesting in growing food insecurity, reduced water security, and increasing human mortality associated with floods, droughts, and storms (IPCC, 2023). These impacts significantly shape patterns of mobility and immobility, exacerbating pre-existing conflicts, inequalities, and social vulnerabilities, particularly along gendered and other intersectional lines (e.g., race, age, disability), while generating new forms of vulnerability. At the same time, unprecedented environmental disruptions such as severe coastal erosion and sea-level rise threaten territorial integrity and undermine the environmental conditions upon which human habitability depends.

In this context, the climate crisis does more than generate new protection needs: it unsettles the assumptions of territorial integrity, political membership, and human mobility on which established categories of statehood, citizenship, and refugeehood have traditionally relied. The human rights of both those who move and those who remain are increasingly at risk, highlighting the urgent need to strengthen protection frameworks, translate climate governance commitments into effective practice, and design context-specific policy responses.

These unsettled questions provide the starting point for this Special Issue, conceived as a collective exercise in exploring the political, legal, and judicial implications of the climate crisis. Previous scholarship has generated important debates on how the climate crisis affects established categories of statehood, citizenship, and refugeehood, although these conversations have not always been brought into dialogue. By bringing together contributions that approach these transformations from different political, legal, and judicial

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perspectives, this Special Issue provides a broader analytical picture of their interconnected implications. Read collectively, the contributions reveal how changes in territorial integrity, political membership, and access to protection increasingly intersect, thereby opening new avenues for research on anticipatory approaches to the governance of climate (im)mobility. Building on the limitations and potential of current legal and political frameworks, the contributions advance innovative proposals to strengthen human rights protection for people who move or remain in the context of the climate crisis, while illustrating mechanisms and tools to operationalize the governance of climate (im)mobility at different levels and contexts, with crucial contributions also from authors and regions of the Southern Hemisphere, as will be illustrated in detail below.

2. Contributions at a Glance

The proposals advanced in this Special Issue are diverse and interdisciplinary, engaging with a broad spectrum of mobility and immobility patterns, from forced migration to voluntary immobility, while acknowledging the complex interplay between choice and constraint that often characterizes these experiences.

Consistent with the title of the Special Issue, the inquiry begins by revisiting established legal categories of statehood (Elumalai and Olakkur Vijayakumar, 2026; Aggarwal, Aesili Mcneill and Freihardt, 2026), citizenship (Kaukonen Lindholm and Berti Suman, 2026), and refugeehood (Shahzar, 2026). Although each contribution takes one of these categories as its primary point of departure, the questions they raise inevitably extend beyond their individual analytical focus.

In particular, the first two contributions (Elumalai and Olakkur Vijayakumar, 2026; Aggarwal, Aesili Mcneill and Freihardt, 2026) examine the implications that the potential loss or increasing uninhabitability of territory may have for statehood, sovereignty, and the protection of displaced populations, including their citizenship and political membership. More specifically, Elumalai and Olakkur Vijayakumar (2026) address two interconnected questions: whether a state can remain a subject of international law after losing its territory and how the rights and legal identity of its displaced population can be protected. Drawing on recent legal developments, including the Human Rights Committee decision in *Teitiota v. New Zealand*, the 2025 International Court of Justice Advisory Opinion on Climate Change, and the 2023 Australia–Tuvalu Falepili Union Treaty, the authors argue that international law is gradually moving towards a model of functional sovereignty in which state continuity becomes increasingly detached from permanent territorial control. Also, the article highlights the growing role of human rights law, non-refoulement obligations, mobility agreements, and innovative forms of deterritorialized statehood.

Building on a similar assumption that sovereign functions can persist without a defined territory, Aggarwal et al. (2026) illustrate how challenges to statehood cannot be separated neatly from questions of citizenship and political membership. In this view, the authors develop a framework consisting of regional governance hubs that let governments operate transnationally in cooperation with host states, regional organizations, and international actors. The proposed framework, tailored to the specific context of the Small Island Developing States (SIDS), rests on four interconnected elements: rotational regional governance hubs, multilateral resettlement agreements, joint financing models, and dual citizenship pathways. This hub model is therefore presented both as a pragmatic governance solution within existing institutions and as a bridge toward more fundamental transformations in how statehood, sovereignty, and self-determination are understood in an era of climate crisis.

The connection between statehood and political membership leads naturally to the third contribution, which shifts the focus to the implications of the climate crisis for citizenship and political participation (Kaukonen

Lindholm and Berti Suman, 2026). More specifically, the authors introduce the concept of "knowledge citizenship," which recognizes individuals and communities as legitimate knowledge-holders with the right to participate in collective decision-making and contribute to knowledge production on matters of collective concern. Focusing on the Inter-American Court of Human Rights' (IACtHR) Advisory Opinion 32/25 on Climate Emergency and Human Rights and two additional cases from New Zealand and South Africa, the article shows how personal narratives percolate into law through climate litigation, bringing local knowledge and lived experiences of climate change as evidence. As it is well known, the Advisory Opinion took significant steps towards recognizing the relevance of Indigenous, traditional, and local knowledges (ITLK) to climate governance and fostering their epistemic and political inclusion. However, the authors caution that legal categories may still constrain intercultural dialogue and reproduce forms of epistemic injustice.

The limitations of established legal categories are further explored in the fourth contribution, turning from citizenship and political participation to refugeehood and access to human rights protection for cross-border climate-displaced persons in South Asia (Shahzar, 2026). The existing refugee framework offers limited protection for climate-displaced persons: climate harm does not constitute, in itself, an independent basis for refugee status, and there is little political willingness to expand the Refugee Convention accordingly. Such an expansion would, moreover, have limited practical relevance in South Asia, where most states are not parties to the Convention or its Protocol. Through the lens of compound uninhabitability, the article argues that many forms of climate-related mobility in the region are neither fully voluntary nor adequately protected by existing legal categories. To capture this predicament, Shahzar introduces the concept of "climate exile" to describe cross-border movement under conditions of uninhabitability where political barriers to recognition leave affected persons without adequate or durable legal protection. Rather than advocating for an expansion of the Refugee Convention, the article calls for regional legal innovations and looks to existing human rights obligations binding South Asian states.

The progression of the contributions thus reveals the interdependence of the selected categories and the need to develop broader governance frameworks for addressing their interconnected implications. Uebel (2026) takes this reflection further by showing how the limitations of existing categories translate into practical governance challenges arising from administrative fragmentation. Drawing on the 2024 climate displacement case in Rio Grande do Sul (Brazil), Uebel highlights that the categories of *desabrigado* and *desalojado* in Brazilian law were primarily event-management classifications that did not constitute a single, interoperable, rights-bearing category capable of following a climate-displaced person across municipalities and policy sectors. To fill this gap, Uebel calls for a flexible, anticipatory, and rights-oriented framework that ensures continuity of protection across different stages of displacement, municipalities, and policy sectors while complementing existing legal categories.

The question of how existing legal categories can be adapted to provide more effective and anticipatory protection is also addressed by Cissokho (2026), who examines the protection gap surrounding internally displaced persons (IDPs) in the context of the climate crisis. Drawing on the Saint-Louis du Sénégal case, Cissokho recognizes the relevance of existing protection frameworks, particularly the African Union's Kampala Convention, but argues that these frameworks are often activated too late or too narrowly to address displacement as it unfolds. The resulting protection gap is therefore primarily temporal and operational. To address it, the article advances the concept of the internally climate-displaced person (ICDP). The ICDP is not proposed as a new legal status and does not replace the existing category of IDP. Rather, it is conceived as an analytical, interpretive, and operational subcategory that makes slow-onset climate displacement more visible within existing human-rights and internal-displacement frameworks. Ultimately, this subcategory seeks to

strengthen anticipatory protection and align existing legal frameworks more closely with the social realities of climate-related internal displacement.

The discussion on the rights of internally displaced persons receives additional attention by Santos (2026), who explores the often-overlooked intersection between conflict-induced and climate-related displacement in the Philippines. Focusing on the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the article examines whether the Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024, a legal instrument developed within a post-conflict peace process, can also respond to environmental and climate displacement. Through the complementary lenses of transitional justice and climate justice, the article shows that the Act's rights-based approach, institutional architecture, and emphasis on durable solutions provide a potentially valuable foundation for responding to environmental and climate displacement. However, the Act remains largely oriented toward rapid-onset events, provides limited guidance for slow-onset processes, and lacks mechanisms to assess the climate adequacy of durable solutions. Despite these limitations, the framework offers important lessons for developing future internal displacement policies in climate-vulnerable regions.

The final contribution by Recalde (2026) extends the emerging emphasis on anticipatory protection beyond displacement to climate immobility, examining the experiences, claims, and aspirations of those who remain in climate-affected places. Recalde approaches voluntary immobility as a potential form of what she defines as "in situ adaptation", while stressing that remaining does not necessarily reduce vulnerability to climate risks. The distinction between chosen and constrained immobility is often blurred, with experiences of staying shaped differently by power relations, gender, and other intersecting inequalities. This perspective also raises the question of who participates in defining adaptation limits and shaping the futures communities seek to sustain in place. Against this background, the article develops the right to remain from a constellation of existing human rights and obligations, climate justice, and self-determination rather than proposing a new standalone right. Ultimately, Recalde concludes that existing legal frameworks provide a fragmented basis for protecting those who remain, while their rigidity struggles to capture the heterogeneous lived realities of climate immobility and the complex interplay between choice and constraint.

3. Cross-Cutting Patterns

Taken together, these contributions respond to the questions at the heart of this Special Issue not simply by calling for new legal categories, but by asking when existing categories should be reinterpreted, complemented, made interoperable, or supplemented by new analytical and normative frameworks tailored to specific contexts and forms of environmental degradation.

This broader reflection emerges from a highly diverse set of geographical, environmental, (im)mobility, and legal contexts. The contributions largely differ concerning their regional focus (Pacific, Latin America, South and Southeast Asia, Africa), the type of climate impact considered (rapid- and slow-onset events), the forms of (im)mobility examined (cross-border and internal displacement, planned relocation and resettlement, voluntary immobility), and the legal or political frameworks through which these phenomena are analyzed (international law, human rights law, refugee law, subnational legal frameworks, and the jurisprudence of national and international courts).

Despite this variety, they first converge on a common diagnosis: existing legal and political frameworks are not devoid of relevant norms, rights, institutions, or protective mechanisms. In particular, human rights law may play a role in translating local vulnerability into an empowering legal framework adapted to local circumstances. Protection, however, is fragmented across legal regimes, policy sectors, territorial jurisdictions,

and institutional mandates, while existing categories often fail to capture the temporal, relational, and multidimensional character of climate (im)mobility. In this sense, the legal framework presents some limits, but legal imagination offers some opportunities. The central challenge, therefore, is not simply to fill a legal gap, but to make existing and emerging protections operational by articulating them more coherently and, where necessary, developing categories or statuses capable of translating fragmented protections into effective and enforceable rights. This diagnosis emerges particularly in Uebel's contribution and is further developed by Cissokho, Recalde, and Santos, who propose interpretative and operational tools to move beyond fragmentation.

Another opportunity is represented by interdisciplinary approaches to legal research. By bringing legal analysis into dialogue with social sciences, some authors have shown how legal categories can be better assessed against the lived realities of climate (im)mobility (Kaukonen Lindholm and Berti Suman, 2026; Cissokho, 2026; Recalde, 2026). This approach can help uncover the temporal and relational nature of displacement, the intersectional and differentiated vulnerabilities of those who move and remain, and the epistemic value of personal narratives as evidence of the climate crisis.

A second cross-cutting pattern is the rejection of one-size-fits-all approaches to climate (im)mobility. Rather than seeking a single universal legal response, the contributions emphasize the need for context-sensitive solutions that account for different forms of mobility and immobility, environmental processes, institutional settings, and regional specificities. In several contributions, this context-sensitive approach points towards the regional or subnational level as a particularly relevant scale for developing tailored legal and policy responses (Aggarwal, Aesili Mcneill and Freihardt, 2026; Cissokho, 2026; Santos, 2026; Shahzar, 2026).

The need for context-sensitive solutions is complemented by a shared concern for climate justice (Aggarwal, Aesili Mcneill and Freihardt, 2026; Kaukonen Lindholm and Berti Suman, 2026; Recalde, 2026; Santos, 2026), calling for responses that account for differentiated and intersecting vulnerabilities across individuals and communities (Recalde, 2026; Santos, 2026), while recognizing their knowledge and lived experiences as essential to shaping more inclusive and equitable climate responses (Kaukonen Lindholm and Berti Suman, 2026; Cissokho, 2026). With regard to differentiated vulnerabilities, structural inequalities and unequal access to resources shape both the capacity to move and the ability to remain. Adopting a climate justice lens is therefore key to challenging the assumption that mobility necessarily represents a freely chosen adaptation strategy or that remaining is always voluntary. At the same time, questions of epistemic justice raised by some authors call for greater recognition of affected communities' testimonies and lived experiences of gradual environmental degradation before a visible catastrophe occurs.

Notably, some contributions emphasize the mismatch between legal and political responses largely designed around rapid-onset events and emergencies and the gradual and cumulative nature of slow-onset events (Cissokho, 2026; Recalde, 2026; Santos, 2026). This mismatch is particularly evident in Santos's assessment of the Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024, as the Act ultimately focuses on rapid-onset events and provides limited guidance for slow-onset processes. By explicitly using transitional and climate justice as analytical lenses, Santos also reveals significant shortcomings in the capacity of existing protection mechanisms to address structural inequalities, ensure accountability, and provide durable responses to climate-related displacement.

To sum up, these contributions point towards a context-sensitive and justice-oriented approach to climate (im)mobility, in which effective protection requires not only greater coherence across legal and institutional frameworks, but also attention to the specific contexts, vulnerabilities, and forms of knowledge that shape how

climate (im)mobility is experienced and governed. Such an approach recognizes that climate-related (im)mobility is shaped not by environmental pressures alone, but by their interaction with political, economic, legal, and social conditions. It therefore requires greater coherence across the legal and institutional frameworks that govern mobility, displacement, and climate adaptation, while also attending to the specific contexts in which people make decisions or face constraints on moving. It also requires taking seriously the knowledge and priorities of affected communities, whose experiences may reveal gaps in policy and challenge assumptions about who is vulnerable. By bringing these dimensions together, climate (im)mobility can be addressed in ways that are more responsive to lived realities and evidence-based needed actions.

4. Conclusion and Future Research

The contributions collected in this Special Issue provide important answers to several of the questions that motivated the original call, particularly regarding the adequacy of existing legal categories in the face of the climate crisis, the need for legal, judicial, and policy instruments to cope with the spectrum of inhabitability, and the role of courts in filling protection gaps. However, they leave other questions comparatively less explored, opening important directions for future research.

The first comparatively underexplored area concerns the intersectional dimensions of climate (im)mobility. While research has recently advanced vis-à-vis how to conceive and operationalize climate justice and climate change adaptation through an intersectional lens (Amorim-Maia et al., 2022; Mikulewicz, 2023; Recalde *et al.*, 2025), it remains to be further explored in relation to climate (im)mobility. Gendered and intersectional vulnerabilities are acknowledged in some contributions (Cissokho, 2026; Kaukonen Lindholm and Berti Suman, 2026; Recalde, 2026), but further research is needed to examine more systematically how legal and policy responses can account for gender-specific and other intersecting vulnerabilities (e.g., race, age, disability) in the context of climate (im)mobility. In particular, future research should explore how these factors shape access to resources and decision-making power, the capacity to move or remain, and ultimately access to legal status, rights, and protection.

A second area requiring further attention concerns future generations. The original call explicitly asked how legal, judicial, and policy instruments might protect their rights, yet this question remains largely open across the contributions. Future research could therefore explore the intergenerational dimensions of climate (im)mobility, given that future generations will bear the long-term consequences of the climate crisis and current political decisions in response to it. In this regard, particular attention should be paid to how current decisions concerning adaptation, planned relocation, resettlement, and territorial governance may constrain the rights, choices, and living conditions of future generations. Future research might for instance interrogate the existence of a right to return, connected to past climate injustices. This would also bring the intergenerational dimension of climate justice more explicitly into current debates on climate (im)mobility. A distinct but related question concerns intragenerational justice, which complements the intergenerational perspective by examining the role of common but differentiated responsibilities, reparations, and loss-and-damage mechanisms in addressing existing inequalities.

Third, it would be both needed and desirable to explore in the future if and how the new categories and the innovative legal and policy interpretations proposed by many of the contributions of this Special Issue could eventually be applied and implemented on the ground and what benefits could derive for the local populations, with a focus on those who experience more intersectional inequalities. Particular attention should be paid to the practical implementation of proposals concerning the continuity of statehood. Above all, future research should examine how political autonomy and self-determination can be preserved without reproducing unequal

or neocolonial power relations with host states, especially in the context of relocation and dual citizenship arrangements.

Finally, as some contributions have suggested, future scholarship should engage more systematically with anticipatory governance. By shifting attention from reactive protection to earlier forms of intervention, anticipatory governance might better address slow-onset events, account for the structural inequalities underlying gendered and intersectional vulnerabilities, and ultimately respond to the climate justice claims of present and future generations. The early recognition of affected communities' needs for protection, consultation, and planning support may strengthen human rights protection and meaningful participation in decisions about adaptation, relocation, or remaining before environmental deterioration irreversibly compromises territorial integrity or habitability.

In conclusion, the hope of the editors of this Special Issue is to have started a conversation on new legal and policy thinking regarding climate (im)mobility that can foster dialogue, exchange, and new applications both for the academic and the practitioners' arenas.

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