



Submission to the Study of the Advisory Committee of the Human Rights Council on the Implications of Sea Level Rise for the Full Enjoyment of Human Rights

Human Rights Impacts and the Legal Obligations to Prevent and Repair Climate Harm in the face of Sea-level Rise

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i. The Climate Crisis and its impacts, including sea-level rise, is a human rights crisis

1. Sea-level rise (SLR) is a direct, foreseeable consequence of climate change, with the dominant cause of global mean sea level rise since 1970 identified as anthropogenic forcing,¹ that is, human-induced climate change, driven by the climate-destructive conduct of States and corporations. Rising seas constitute one of the most urgent challenges of our century, with profound consequences for peoples, ecosystems, and the enjoyment of human rights. The law is unequivocal: States have binding obligations to prevent climate harm and protect human rights against SLR, including by regulating corporations under their jurisdiction and control. The science is clearer still. This is no longer a question of policy preference but one of legal duty, equity, dignity and survival.

2. In this submission contributing to “*The Study of the Human Rights Council Advisory Committee on the Implications of Sea Level Rise for the Full Enjoyment of Human Rights*”, and in particular drawing

¹IPCC, Special Report on the Ocean and Cryosphere in a Changing Climate, Summary for Policymakers (2022), available at: https://www.ipcc.ch/site/assets/uploads/sites/3/2022/03/01_SROCC_SPM_FINAL.pdf, para. A.3.1.

from the recent climate advisory opinions, the Center for International Environmental Law (CIEL) addresses: the human rights impacts of SLR, spotlighting health impacts; the primary and secondary legal obligations in the face of SLR as well as required measures; and proposes final recommendations.

3. According to the IPCC “...global mean sea level will continue to rise”.² Without additional action to curb emissions of greenhouse gases (GHGs) and rising temperatures through addressing climate-destructive conduct,³ such as fossil fuel production, consumption, licensing, and subsidies, and agroindustrial deforestation, seas could rise by up to about one meter by the end of the century.⁴ Potentially more than one billion people are projected to live in areas facing significantly higher exposure to coastal flooding and “face escalating climate compounded risks, including sea level rise” by mid-century.⁵ Notably, “coastal risks will increase by at least one order of magnitude over the 21st century due to committed sea level rise impacting ecosystems, people, livelihoods, infrastructure, food security, cultural and natural heritage and climate mitigation at the coast.”⁶

4. SLR seriously implicates human rights including through the following: loss of habitability and self-determination in small-island States;⁷ displacement as well as loss of housing, critical infrastructure and cultural sites from coastal flooding, erosion and permanent inundation;⁸ saltwater intrusion affecting safe drinking water, sanitation, food, health, livelihoods, and traditional/cultural practices;⁹ and disproportionate impacts on children, women and girls in

²IPCC, Sixth Assessment Report, Working Group I: The Physical Science Basis, Summary for Policymakers (2021), available at: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf, para. B.5.3.

³Greenpeace International, Center for International Environmental Law (CIEL), NYU Climate Law Accelerator (CLX), Union of Concerned Scientists (UCS) and Open Society Justice Initiative (OSJI), Amicus Brief on Climate Emergency and Human Rights: Corporate Accountability, submitted to the Inter-American Court of Human Rights (8 December 2023), available at: https://www.ciel.org/wp-content/uploads/2024/02/Amicus-brief_IACHR_Climate_Emergency_and_Human_Rights_Corporate_Accountability_brief.pdf.

⁴IPCC, Sixth Assessment Report, Working Group I: The Physical Science Basis, Summary for Policymakers (2021).

⁵IPCC, Sixth Assessment Report, Working Group II: Impacts, Adaptation and Vulnerability, Summary for Policymakers (2022), available at: https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf, para. D.3.3.

⁶IPCC, Sixth Assessment Report, Working Group II: Impacts, Adaptation and Vulnerability, Technical Summary (2022).

⁷See, for example, Intergovernmental Panel on Climate Change, *Special Report on the Ocean and Cryosphere in a Changing Climate* (IPCC 2019) ch 4, section 4.3; ICJ AO, para 357; United Nations Human Rights Council, *Sea-level rise and its effects on the full and effective enjoyment of human rights*, UN Doc A/HRC/RES/60/20 (2025), operative para. 1; Curt D. Storlazzi et al., *Science Advances* 4(4) (2018): <https://www.science.org/doi/10.1126/sciadv.aap9741>.

⁸See, for example, Intergovernmental Panel on Climate Change, *Special Report on the Ocean and Cryosphere in a Changing Climate* (IPCC 2019) ch 4, section 4.3; Human Rights Committee, *Ioane Teitiota v New Zealand*, UN Doc CCPR/C/127/D/2728/2016 (2020) paras. 9.11–9.12; Human rights of internally displaced persons, U.N. Doc. A/75/207 (21 July 2020), paras. 2, 15–17, 21–23; <https://unfccc.int/sites/default/files/resource/WIM%20ExCom%20sea%20level%20rise.pdf> pp. 13–14; Threats to Cultural Heritage Caused by the Global Sea Level Rise as a Result of the Global Warming, 2021, <https://www.mdpi.com/2073-4441/13/18/2577>

⁹Intergovernmental Panel on Climate Change, *Special Report on the Ocean and Cryosphere in a Changing Climate* (IPCC 2019) ch 4, section 4.3; United Nations Human Rights Council, *Sea-level rise and its effects on the full and effective enjoyment of human rights*, UN Doc A/HRC/RES/60/20 (2025) preambular paras (freshwater); See also Masudul Alam, Mokbul Morshed Ahmad, Takuji W. Tsusaka and Malay Pramanik, 'Impacts of Salinity Intrusion on Livelihood Assets: Evidence from the Southern Regions of Bangladesh' (2026) 29 *Environmental and Sustainability Indicators* 101113, available at: <https://doi.org/10.1016/j.indic.2025.101113>; Qiong Su, Rohit Dilip Kambale, Jing-Hua Tzeng, Gary L. Amy, David A. Ladner and R. Karthikeyan, 'The Growing Trend of Saltwater Intrusion and its Impact on Coastal Agriculture: Challenges and Opportunities' (2025) 966 *Science of The Total Environment* 178701, available at: <https://doi.org/10.1016/j.scitotenv.2025.178701>.

specific climate-vulnerable or marginalized contexts; Indigenous Peoples, persons with disabilities, older persons,¹⁰ minorities, and coastal communities.¹¹

5. **None of this is in the abstract.** Despite producing less than 0.01% of GHG emissions on the current trajectory of GHG emissions, Tuvalu is expected to be the first country to be completely lost to climate-related SLR. Tuvaluans are doing everything they can to preserve their nation from extinction through land reclamation activities. They are even exploring a “digital Nation initiative” to “recreate” Tuvalu’s land, culture, and government in digital form.¹² From Jakarta to Teheran, capital cities are being forced to relocate due to rising seas,¹³ and from coastal landscapes in the United States¹⁴ to coastal regions in France and Spain,¹⁵ SLR is affecting communities and livelihoods. The impacts of SLR are often quantified in terms of lives, land, and infrastructure, but its deepest harms can lie in the immeasurable grief and loss it inflicts. Lilly Teafa from Tuvalu has recounted a harrowing experience of graves being unearthed by coastal erosion: “Nine years ago, during Cyclone Pam on the island of Nui, I saw my 16-year-old cousin cuddling towards her mother’s bones. I saw a mother cry out to the moana [ocean] searching for the corpse of her son.”¹⁶

Case Studies: Human Rights Impacts of SLR in Small Island States

In the Bahamas, the low-lying nature of the islands renders the country extremely susceptible to the effects of SLR. 32% of its land and 25% of its population are less than 0.5 metres above sea level, with significant territorial areas projected to be below annual flood levels by 2100.¹⁷ Long before swathes of territory are submerged, SLR will pose major risks, including coastal erosion, flooding, salinization, and associated risks to water and food security. The projected loss of all sandy beaches will have significant adverse socio-economic and cultural consequences, rendering some communities uninhabitable and depriving people of traditional, economic, and recreational uses of coastal areas. At the same time, climate change is causing the destruction of marine ecosystems, including mangroves, reducing their ability to protect shorelines and coastal populations. With over 90% of viable mangroves already lost, these impacts amount to serious and irreparable harm, engaging risks to the rights to life, food, water, and culture.¹⁸

¹⁰UN Human Rights Council, Resolution 60/20: Sea-Level Rise and its Effects on the Full and Effective Enjoyment of Human Rights, UN Doc. A/HRC/RES/60/20 (9 October 2025).

¹¹UN Human Rights Council, Resolution 60/20: Sea-Level Rise and its Effects on the Full and Effective Enjoyment of Human Rights, UN Doc. A/HRC/RES/60/20 (2025), operative paras. 5, 8; UN Doc. A/HRC/50/57, available at: <https://docs.un.org/en/A/HRC/50/57>, paras. 8, 15.

¹²International Court of Justice, Obligations of States in Respect of Climate Change, Oral Hearings, Written Submission of Tuvalu (December 2025).

¹³UNIDO, ‘Capital Cities Forced to Move: First Jakarta, Now Tehran’ (5 December 2025), available at: <https://decarbonization.unido.org/news/capital-cities-forced-to-move-first-jakarta-now-tehran/>.

¹⁴Kiera L. O’Donnell et al., ‘Saltwater Intrusion and Sea Level Rise Threatens U.S. Rural Coastal Landscapes and Communities’ (2024) 45 Anthropocene 100427, available at: <https://doi.org/10.1016/j.ancene.2024.100427>.

¹⁵Roderik van de Wal et al., ‘Sea Level Rise in Europe: Impacts and Consequences’ in Sea Level Rise in Europe (SLREI, Chapter 5, 29 October 2024), available at: <https://doi.org/10.5194/sp-3-slre1-5-2024>.

¹⁶ICJ, Obligations of States in Respect of Climate Change, Intervention by Vishal Prasad on behalf of the Pacific Community, Advisory Opinion Oral Hearings (December 2025), available at: <https://www.icj-cij.org/node/205010>.

¹⁷ICJ, Obligations of States in Respect of Climate Change, Written Statement of the Commonwealth of the Bahamas (22 March 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-04-00-en.pdf>.

¹⁸ICJ, Obligations of States in Respect of Climate Change, Written Statement of the Commonwealth of the Bahamas (22 March 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-04-00-en.pdf>, paras. 38–46, 52–54.

In the Marshall Islands, climate change and SLR are exacerbating the impacts of decades-long nuclear tests.¹⁹ The Runit Dome - a containment structure within a crater on Runit Island²⁰ - remains in communication with the Enewetak lagoon.²¹ Rising sea levels “could push up groundwater ... potentially creating a pathway for leaking radiation”²² which could have severe implications for human rights, in particular the right to health. The Office of the United Nations High Commissioner for Human Rights has noted how rising sea levels and temperatures are also threatening the safekeeping of records about the impacts of nuclear legacies on the Marshall Islands, with consequences for information preservation for the benefit of present and future generations.²³ The Marshall Islands thus faces the double existential threat of climate change and nuclear legacy.²⁴

Spotlight: Sea-Level Rise, Health Impacts, and Response in Practice

6. The Bahamas and Marshall Islands examples illustrate the broader human rights consequences of SLR, all of which are critically important. One particularly urgent dimension of these harms is the threat to the right to health, both through direct physical impacts and through damage to the underlying determinants of health. The following section focuses on these threats to health given they are often overlooked and as indicative of the wide range of human rights harms associated with SLR.

7. SLR drives direct health impacts through higher and farther-reaching storm surges and coastal flooding: drowning, trauma, injury, disrupted essential services, and elevated emergency care needs. **It also causes indirect, chronic, and cascading harms affecting the underlying determinants of health** like displacement and loss of livelihoods; food insecurity from damage to coastal agriculture and fisheries; and compromised water and sanitation.

i. Salination of groundwater and adverse health impacts: Salinization has measurable health consequences: studies in coastal Bangladesh link saline drinking water to increased risks of

¹⁹Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, para. 4.

²⁰Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, para. 14.

²¹Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, para. 40.

²²Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, citing Government Accountability Office, Nuclear Waste, p. 39.

²³Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, citing Government Accountability Office, Nuclear Waste, p. 66.

²⁴Office of the United Nations High Commissioner for Human Rights (OHCHR), Addressing the Challenges and Barriers to the Full Realization and Enjoyment of the Human Rights of the People of the Marshall Islands, Stemming from the State's Nuclear Legacy, UN Doc. A/HRC/57/77 (24 September 2024), available at: <https://docs.un.org/A/HRC/57/77>, citing Government Accountability Office, Nuclear Waste, p. 40. See also Hilda Heine, 'From the Pacific Ocean to the Alps: Bringing the Marshall Islands Perspective to the Genève Internationale', speech delivered at the Luncheon-Debate at the Club Diplomatique de Genève (21 June 2019), available at: <https://www.clubdiplomatie.ch/wp-content/uploads/2022/04/Speech-Marshall-Islands-1.pdf>.

(pre)eclampsia/gestational hypertension, kidney stress, and raised blood pressure, with risk expected to rise as salinity intrusion increases.²⁵ Salinization of coastal soils and freshwater systems reduces agricultural productivity and damages fisheries, undermining food security and nutrition. Sundarbans in India has witnessed a steep decline in food security, as salinity affects 30 % of the arable land in this region.²⁶

ii. *Mental health impacts from displacement and loss of cultural identity*: Mental health burdens like anxiety, depression, trauma, and loss of place/identity are increasingly documented in SLR-affected coastal communities.²⁷ For example, in Tuvalu, sea level rise is already affecting habitability, with significant mental health impacts. Pacific Island Countries face significant mental health risks from climate change.²⁸ A review of studies across 22 countries finds that exposure to hazards such as storms, droughts, and sea-level rise is linked to increased anxiety, depression, grief, and distress, often driven by displacement, resource insecurity, and social disruption.²⁹

iii. *Damage to coastal health infrastructure and access to health for impacted populations*: Impacts of SLR are increasingly inequitable. Coastal flooding and storm surges increasingly damage or destroy critical health infrastructure, including hospitals, clinics, and supply chains. In Pacific island countries, many health facilities are located in low-lying coastal areas, making them highly vulnerable to SLR, storm surges, and extreme weather events. Past disasters such as Cyclone Heta in Niue and flooding in the Solomon Islands National Referral Hospital have damaged or destroyed critical infrastructure.³⁰ Furthermore, essential services like vaccine delivery and other such temperature-sensitive drugs dependent on cold-chain systems face severe disruptions and losses due to extreme weather events linked to SLR.³¹ A global assessment of 200,216 hospitals for risk of damage from 6 different climate change hazards from 1990 until the end of the century found that “by 2100, 1 in 12 hospitals worldwide will be at high risk of total or partial shutdown from extreme weather events - a total of 16,245 hospitals. And of the 16,245 hospitals identified as high risk by 2100, 71% (11,512) of them are in low and middle income countries.”³² The WHO’s Checklist to assess vulnerabilities in health

²⁵A.E. Khan et al., 'Salinity in Drinking Water and the Risk of (Pre)Eclampsia and Gestational Hypertension in Coastal Bangladesh: A Case-Control Study' (2014) 9(9) PLoS ONE e108715, available at: <https://doi.org/10.1371/journal.pone.0108715>.

²⁶Indrani Barui, Shabari Bhakta and Kapil Ghosh, 'Storm Surge-Induced Soil Salinization and its Impact on Agriculture in the Coastal Area of the Indian Sundarban' (2025) 56 Environmental Development 101250, available at: <https://doi.org/10.1016/j.envdev.2025.101250>; Kabir S, Newnham EA, Dewan A, Islam MM and Hamamura T, 'Sea-Level Rise and Mental Health among Coastal Communities: A Quantitative Survey and Conditional Process Analysis' (2024) 25 SSM Population Health 101640, available at: <https://doi.org/10.1016/j.ssmph.2024.101640>.

²⁷World Health Organization (WHO), Mental Health and Climate Change: Policy Brief (3 June 2022), available at: <https://iris.who.int/server/api/core/bitstreams/07696662-00f7-48b8-92fe-bea4bf6f3ee8/content>.

²⁸World Health Organization (WHO), Human Health and Climate Change in Pacific Island Countries (2015), available at: <https://iris.who.int/server/api/core/bitstreams/4fe24569-ceaf-45a0-87fd-0b5b6932e5a1/content>, p. 36.

²⁹Park H, Hess JJ, Ebi KL. Mental Health Impacts Associated with Exposure to Climate-Sensitive Hazards in Pacific Island Countries: A Scoping Review. *Nature & Anthropology*. 2025; 3(4):10020. <https://doi.org/10.70322/natanthropol.2025.10020>

³⁰World Health Organization (WHO) Western Pacific Region, Human Health and Climate Change in Pacific Island Countries (2015), available at: <https://iris.who.int/server/api/core/bitstreams/4fe24569-ceaf-45a0-87fd-0b5b6932e5a1/content>, p. 39.

³¹Johns Hopkins Bloomberg School of Public Health, 'A Warming World Means Vaccination is More Important Than Ever', available at: <https://publichealth.jhu.edu/ivac/a-warming-world-means-vaccination-is-more-important-than-ever>.

³²XDI, Global Hospital Infrastructure Physical Climate Risk Report 2023 (2023), available at: https://cdn.prod.website-files.com/6470f78e041bb767ea4d900f/685b5911e32cf7ae2bbc581_XDI%20Global%20Hospital%20Infrastructure%20Physical%20Climate%20Risk%20Report%202023%20Download.pdf.

care facilities due to SLR offers an exhaustive checklist of the myriad vulnerabilities that health care facilities can face.³³

iv. Toxic pollution and health harms: Finally, rising sea levels and coastal erosion are expected to facilitate the release of toxics from contaminated sites and long-buried landfills. Industrial development along coastlines, once a common practice to facilitate marine transportation of manufactured goods, has left some regions with a legacy of coastal soil contamination.³⁴ As sea levels rise, flooding, erosion, and seawater intrusion can inundate these sites, releasing a wide range of pollutants such as heavy metals, persistent organic pollutants, petroleum products, and other hazardous chemicals into surrounding ecosystems. In the US alone, researchers have identified approximately 5,500 facilities, including sewage systems, hazardous waste landfills, and oil and gas infrastructure, at risk of coastal flooding by 2100 and more than half of these sites could face flooding as early as 2050.³⁵ Moreover, such risks are never evenly distributed, as historically, low-income and marginalized communities are often disproportionately exposed to the resulting environmental and health hazards from toxics.³⁶

8. In addressing the specific health dimensions of SLR in practice, States should take a wide range of measures. These include the following:

- Explicitly recognize SLR as a public health emergency and integrate health considerations across all coastal planning, climate adaptation, and disaster risk reduction strategies. Health impact assessments should be mandatory for coastal infrastructure, land-use planning, and relocation decisions.
- Prioritize safe freshwater access in coastal regions by - monitoring and regulating salinity in drinking water sources, investing in climate-resilient water systems (rainwater harvesting, aquifer protection, promote community managed water systems), integrating salinity-related risks (e.g., hypertension, maternal health impacts) into public health systems and surveillance among other measures.
- Recognize and respond to climate-related mental health impacts by integrating mental health services into primary healthcare in coastal regions, providing community-based psychosocial support, especially for displaced populations and recognising cultural loss and identity disruption as legitimate health harms in national and international policy responses
- Include food security and nutrition planning, in SLR adaptation response, particularly in deltaic and coastal regions. This can be achieved by supporting salt-tolerant crops, climate-resilient agriculture, and sustainable fisheries and ensuring social protection systems (food distribution, livelihood support) for affected communities
- Invest in health system resilience by relocating or climate-proofing hospitals and clinics in high-risk coastal zones, protecting cold-chain systems for vaccines and essential medicines, and ensuring continuity of care during extreme events through mobile health services and backup energy/water systems

³³World Health Organization (WHO), Checklists to Assess Vulnerabilities in Health Care Facilities in the Context of Climate Change, available at: https://cdn.who.int/media/docs/default-source/climate-change/sea-level-rise-checklists.pdf?sfvrsn=66f45cb2_5.

³⁴T. Wade and ClimAtlantic, Health Risks Associated with Sea Level Rise (National Collaborating Centre for Environmental Health, Vancouver, November 2022), available at: https://nccch.ca/sites/default/files/Final%20Draft%20-%20Health%20Impacts%20of%20SLR_EN%20Dec%20207_1.pdf

³⁵L.J. Cushing, Y. Ju, S. Karasaki et al., 'Sea Level Rise and Flooding of Hazardous Sites in Marginalized Communities across the United States' (2025) 16 Nature Communications 9711, available at: <https://www.nature.com/articles/s41467-025-65168-2>

³⁶UN Special Rapporteur on Human Rights and the Environment (David R. Boyd), Additional Sacrifice Zones, Annex 1 to UN Doc. A/HRC/49/53 (2022), available at: https://www.ohchr.org/sites/default/files/2022-03/Annex1_to_A_HRC_49_53.pdf.

- Assess and mitigate risks from flooded contaminated sites and landfills by mapping and monitoring coastal hazardous sites at risk of inundation, strengthening regulation and remediation of industrial and waste sites and protecting communities from exposure to released pollutants through early warning systems and health monitoring.
- Ensure, where displacement is unavoidable, planned, rights-based relocation by guaranteeing access to healthcare, water, sanitation, and housing and recognize displacement as a determinant of health and provide long-term support.

ii. Legal Obligations to Prevent and Repair Climate Harm and Protect Human Rights in the face of SLR

9. The foregoing impacts of SLR, including the specific focus on health and corresponding response measures, are not merely matters of policy, but engage binding human rights obligations and other complementary legal standards under international law. The UN Human Rights Council has affirmed that climate change-related SLR is “a serious threat to the full and effective enjoyment of human rights, including, inter alia, the rights of all peoples to self-determination, the rights to life, health, and an adequate standard of living, including food, water, sanitation and housing, and the right to a clean, healthy and sustainable environment.”³⁷

10. In light of the overall human rights impacts due to SLR and their legal responsibilities, States must prevent and repair such impacts by ceasing climate-destructive conduct in line with clear legal obligations and providing full reparation to those affected.

11. Drawing on international and comparative human rights and environmental law, in particular the advisory opinions on climate change issued by the International Tribunal for the Law of the Sea (ITLOS),³⁸ the Inter-American Court of Human Rights (IACtHR),³⁹ and the International Court of Justice (ICJ),⁴⁰ **this section highlights SLR relevant aspects of core climate obligations without seeking to be comprehensive.** The relevant legal obligations are rooted in and informed by settled science. The Intergovernmental Panel on Climate Change (IPCC) is widely recognized as providing **the best available scientific evidence on the causes and consequences of climate change,**⁴¹ **which confirms that climate change, and by extension, SLR, constitutes a human-caused, fossil fuel-driven human rights crisis.**⁴²

³⁷UN Human Rights Council, Resolution 60/20: Sea-Level Rise and its Effects on the Full and Effective Enjoyment of Human Rights, UN Doc. A/HRC/RES/60/20 (2025), operative para. 1.

³⁸Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law, Advisory Opinion, International Tribunal for the Law of the Sea (ITLOS), No. 31 (May 21, 2024)

³⁹IACtHR, *Advisory Opinion OC-32/25: Climate Emergency and Human Rights* (29 May 2025).

⁴⁰ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion, 2025 I.C.J. (23 July 2025).

⁴¹ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 74, 137.

⁴²Center for International Environmental Law (CIEL), *Written Observations in the Matter of Request for Advisory Opinion No. 001/2025 on the Obligations of States with Respect to the Climate Change Crisis, before the African Court on Human and Peoples' Rights* (30 March 2026), available at: <https://www.ciel.org/wp-content/uploads/2026/03/CIEL-Observations-on-African-Court-Climate-Advisory-Opinion-Request-30-Mar-2026.pdf>, Part II.

Applicable law in relation to climate change, including with respect to SLR, consists of multiple and complementary sources of law

12. **Applicable law in relation to climate change, including with respect to SLR, consists of multiple, complementary sources of law.** In terms of legal obligations to prevent and repair the impacts of climate change driven SLR, and protect human rights violated in the context of SLR, the relevant legal ecosystem is that governing climate-related obligations.

13. **In relation to climate change, States are subject to binding legal obligations under multiple sources of conventional and customary international law,** including “...the Charter of the United Nations, the UNFCCC, the Kyoto Protocol, the Paris Agreement, UNCLOS, the ozone layer treaties, the Biodiversity Convention, the Desertification Convention, the customary duty to prevent significant harm to the environment and the duty to co-operate for the protection of the environment, and international human rights law, as well as certain guiding principles for the interpretation of various applicable rules and principles (sustainable development, common but differentiated responsibilities and respective capabilities, equity, intergenerational equity, and the precautionary approach or principle).”⁴³ Overall in defining the scope of applicable law, it has been clarified beyond doubt that the climate treaties do not constitute *lex specialis*⁴⁴ nor are they the only laws that matter.

14. Climate change is not just an environmental problem - it has a cross-cutting “effect on society and all areas of the law.”⁴⁵ No one legal source can fully respond to the complex interlocking dimensions of climate change and the myriad of ways in which climate change affects public and planetary well-being. It is therefore critical, in response to SLR, that States and decision-makers draw on this emerging mosaic of international legal obligations. **While international human rights law is a central legal source, the human rights obligations applicable in the context of SLR should be interpreted in harmony with relevant principles and concurrent obligations** under both conventional and customary international law, as integral to their protection.

15. Before deeper exploration of SLR-relevant legal sources, **it is important to highlight the principles of equity and common but differentiated responsibilities (CBDR) as cross-cutting, legally relevant principles shaping the content and implementation of obligations applicable in the context of SLR.** The ICJ has affirmed that that equity is not merely aspirational but forms part of the interpretative framework for assessing State conduct, particularly in light of differing historical emissions, capacities, and needs.⁴⁶ This has direct implications for SLR, which disproportionately affects low-lying islands and coastal communities.⁴⁷ Similarly, the IACtHR has emphasized that States must take into account differential vulnerability and structural inequality

⁴³ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 172.

⁴⁴See, for example, ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 171; International Tribunal for the Law of the Sea (ITLOS), *Request for an Advisory Opinion Submitted by the Commission of Small Island States on Climate Change and International Law*, Advisory Opinion of 21 May 2024, ITLOS Case No. 31, para. 224.

⁴⁵Christoph Schwarte and Will Frank, 'The International Law Association's Legal Principles on Climate Change and Climate Liability under Public International Law' (2014) 4 *Climate Law* 201, 216.

⁴⁶ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 148–154, 172.

⁴⁷IPCC, Sixth Assessment Report, Working Group II: Impacts, Adaptation and Vulnerability, Summary for Policymakers (2022), available at: https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf, para. 3.2.5; IPCC, Special Report on the Ocean and Cryosphere in a Changing Climate, Chapter 4: Sea Level Rise and Implications for Low-Lying Islands, Coasts and Communities (2019), available at: <https://www.ipcc.ch/srocc/chapter/chapter-4-sea-level-rise-and-implications-for-low-lying-islands-coasts-and-communities/>, section 4.1.1.

when designing and implementing climate measures.⁴⁸ **These principles require that responses to SLR, whether through mitigation, adaptation, or international cooperation, are proportionate, inclusive, and attentive to the needs of those most affected, including Indigenous Peoples and marginalized groups.**

16. Within applicable legal frameworks, the following legal standards and related measures examined in the subsequent sub-sections, while by no means exhaustive, are critical to consider in relation to SLR.

The interlocking principles of statehood, territorial integrity, self-determination, and permanent sovereignty over natural resources continue to apply in the face of SLR

17. **The interlocking principles of statehood, territorial integrity, self-determination, and permanent sovereignty over natural resources, with significant implications for human rights protection, continue to govern the legal response to SLR. Recent developments confirm a shift toward the stability of legal entitlements, notwithstanding physical change to territory as a result of rising seas.**⁴⁹

18. The ICJ has clarified that, **“the provisions of UNCLOS do not require States parties, in the context of physical changes resulting from climate-change related sea level rise, to update their charts or lists of geographical co-ordinates that show the baselines and outer limit lines of their maritime zones once they have been duly established in conformity with the Convention.”**⁵⁰ Given the significant threat SLR poses to the territorial integrity, and thus to the very statehood, of small island States, the Court further affirmed that, **once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood.**⁵¹ (Contextually the four essential elements of statehood are a permanent population, defined territory, government, and the capacity to enter relations with other States.)⁵² This signals, in line with conclusions of the International Law Commission (ILC)⁵³ and Pacific regional declarations,⁵⁴ the continuity of statehood in the context of climate change-related SLR. While the Montevideo Convention on the Rights and Duties of States does not address the question of continuity of statehood in relation to SLR, the ILC has based its conclusions on continuity of statehood in the context of climate-related SLR on the **“right of States to preserve their existence, the right of each State to preserve its territorial integrity and the right of peoples to self-determination”**,

⁴⁸IACtHR, Advisory Opinion OC-32/25, Climate Emergency and Human Rights, 29 May 2025, available at: https://cdn.climatepolicyradar.org/navigator/XAB/2023/request-for-an-advisory-opinion-on-the-scope-of-the-state-obligations-for-responding-to-the-climate-emergency_0a56c58bc7badbff64582c102c614a1f.pdf, para. 592.

⁴⁹ICJ, Obligations of States in Respect of Climate Change, Advisory Opinion of 23 July 2025, paras. 362–363; IACtHR, Advisory Opinion OC-32/25, Climate Emergency and Human Rights, 29 May 2025, available at: https://cdn.climatepolicyradar.org/navigator/XAB/2023/request-for-an-advisory-opinion-on-the-scope-of-the-state-obligations-for-responding-to-the-climate-emergency_0a56c58bc7badbff64582c102c614a1f.pdf, paras. 34, 38–39.

⁵⁰ICJ, Obligations of States in Respect of Climate Change, Advisory Opinion of 23 July 2025, para. 362.

⁵¹ICJ, Obligations of States in Respect of Climate Change, Advisory Opinion of 23 July 2025, para. 363.

⁵²Montevideo Convention on the Rights and Duties of States, Art. 1 (26 December 1933), available at: <https://history.state.gov/historicaldocuments/frus1933v04/d134>.

⁵³International Law Commission, Final Report of the Study Group on Sea-Level Rise in Relation to International Law, UN Doc. A/80/10, Annex I (2025), available at: https://legal.un.org/ilc/texts/instruments/english/reports/8_9_2025.pdf, paras. 38–39.

⁵⁴See, for example, Pacific Islands Forum, Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate Change-related Sea-Level Rise (9 November 2023), available at: <https://forumsec.org/publications/reports-communique-52nd-pacific-islands-leaders-forum-2023>; Alliance of Small Island States (AOSIS), Declaration of the Heads of State and Government on Sea-Level Rise and Statehood (23 September 2024), available at: <https://aosiswebsite.azurewebsites.net/aosis-leaders-declaration-on-sea-level-rise-and-statehood/>.

linking also to “legal stability, certainty and predictability”.⁵⁵ As has been noted “[a]ll else will be immaterial, if statehood is lost.”⁵⁶

19. These developments align with an emerging body of legal scholarship **that reconceptualizes territory as a juridical and relational construct, rather than merely a fixed physical landmass.**⁵⁷ Notably the Inter-American system of human rights has articulated a functional and human-centred understanding of territory, particularly in relation to Indigenous and collective land rights, where territory is conceived of as integral to cultural identity, subsistence, and the effective exercise of self-determination.⁵⁸ While this perspective does not resolve questions of statehood or maritime boundaries, it reinforces the normative premise that legal relations to territory cannot be reduced to physical permanence alone.

20. The ICJ affirmed that in light of SLR affecting the territorial integrity of States and their permanent sovereignty over their natural resources, and since these principles are closely connected with the right to self-determination, SLR has direct consequences for the exercise of this right⁵⁹ – the right of all peoples to freely determine their political status and freely pursue their economic, social, and cultural development.⁶⁰ As Julian Aguon argued before the ICJ, self-determination “enjoys more liberatory heft than any other single norm of international law. Yet the reality is that the conduct of a handful of States has caused severe, systemic and sustained violations of this right.”⁶¹ **All States are obligated to respect the right to self-determination by refraining from climate-destructive conduct that infringes on the right, driving phenomena such as sea-level rise resulting in devastating harm to peoples and ecosystems; by repairing harm; and by recognizing the continuity of sovereignty and statehood in the face of SLR-wrought destruction and erosion.**

Under customary international law, the duty to prevent significant harm to the environment and the precautionary principle, apply in the context of climate change, including SLR, with the duty to cooperate applying with particular force

21. **The longstanding duty under customary international law to prevent significant harm to the environment beyond a State’s borders predates the climate treaties and binds all countries, regardless of whether they are party to any climate agreement.**⁶² Climate agreements also

⁵⁵International Law Commission, *Final Report of the Study Group on Sea-Level Rise in Relation to International Law*, UN Doc. A/80/10, Annex I (2025), available at: https://legal.un.org/ilc/texts/instruments/english/reports/8_9_2025.pdf, para. 38.

⁵⁶ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of the Dominican Republic, Advisory Opinion Proceedings (10 December 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241210-ora-02-00-bi.pdf>, pp. 24–25, para. 15.

⁵⁷Stuart Elden, *The Birth of Territory* (University of Chicago Press 2013) 322–323; Daniel Bethlehem, ‘The End of Geography: The Changing Nature of the International System and the Challenge to International Law’ (2014) 25 *European Journal of International Law* 9, 17.

⁵⁸See, for example, IACtHR, *Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgment, Inter-American Court of Human Rights Series C No. 79 (31 August 2001), available at: <https://tinyurl.com/ypzjmn2v>, para. 149; Inter-American Commission on Human Rights, *Indigenous and Tribal Peoples’ Rights over Their Ancestral Lands and Natural Resources*, OEA/Ser.L/V/II Doc 56/09 (30 December 2009), available at: <https://www.oas.org/en/iachr/indigenous/docs/pdf/ancestralands.pdf>, para. 64.

⁵⁹ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 357.

⁶⁰ICCPR, Art.1; ICESCR, Art.1; Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024, para. 241.

⁶¹Joint oral submission of Vanuatu and the Melanesian Spearhead Group; ICJ climate advisory proceedings, para 9, p. 105–106. <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241202-ora-01-00-bi.pdf>

⁶²ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 132, 134, 315, 409; Center for International Environmental Law (CIEL), *The Legal Foundations for Fossil Fuel Phaseout: An Open Letter to the Co-Hosts*

enshrine binding legal duties to protect against and address climate harm.⁶³ In line with the customary duty to prevent significant harm to the environment, States must use all means at their disposal to avoid activities within their jurisdiction or control causing transboundary damage,⁶⁴ through adopting measures capable⁶⁵ of preventing such harm, including effective regulation of public and private actors,⁶⁶ to avert harm at its source.⁶⁷ This obligation is directly engaged in the context of climate change, where cumulative emissions drive phenomena such as SLR with clear transboundary consequences.

22. Due diligence is the required standard of conduct to assess adherence to the duty to prevent significant harm to the environment.⁶⁸ The standard is heightened in stringency given the severity and urgency of climate harm, which requires State action to be capable of achieving the objective, informed by and consistent with science, effectively implemented and enforced, reflective of States' highest possible ambition, and progressively more demanding over time.⁶⁹ That requires **curbing fossil fuel production, consumption, licensing, and subsidies activities – including in relation to rapidly expanding offshore oil and gas activities⁷⁰ – known to generate significant transboundary harm to the climate, sometimes individually and always cumulatively,⁷¹** including through their contribution to long-term slow-onset processes such as SLR.

23. The precautionary principle, affirmed by the ICJ as an interpretive principle of cross-cutting relevance to guide application of the most directly applicable rules,⁷² is well-established in both international environmental and human rights law.⁷³ It requires States to act with caution in the face of uncertain and potentially harmful consequences of an activity and to take preventive action at an early stage, often prior to the full materialization of risk, and earlier than under the closely related principle of prevention.

24. In taking measures to prevent climate harm and minimize the risk thereof, States must take a precautionary approach by prioritizing proven actions capable of significantly reducing fossil fuel emissions rather than relying on offset credit schemes that have a history of failure and human rights harms or ineffective or speculative technology-focused measures including Carbon Capture and Storage (CCS), Carbon Dioxide Removal (CDR), and geoengineering.⁷⁴ The

and Participants of the First Conference on Transitioning Away from Fossil Fuels (April 2026), available at: https://www.ciel.org/wp-content/uploads/2026/04/fossil_fuel_phaseout_legal_letter_santa_marta.pdf, p. 1.

⁶³ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 174–270.

⁶⁴ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 132, 138, 281.

⁶⁵ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 208, 242, 245, 253, 258.

⁶⁶ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 132, 135, 273–275, 409.

⁶⁷Center for International Environmental Law (CIEL), *The Legal Foundations for Fossil Fuel Phaseout: An Open Letter to the Co-Hosts and Participants of the First Conference on Transitioning Away from Fossil Fuels* (April 2026), available at: https://www.ciel.org/wp-content/uploads/2026/04/fossil_fuel_phaseout_legal_letter_santa_marta.pdf, p. 2.

⁶⁸ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 135.

⁶⁹Center for International Environmental Law (CIEL), *The Legal Foundations for Fossil Fuel Phaseout: An Open Letter to the Co-Hosts and Participants of the First Conference on Transitioning Away from Fossil Fuels* (April 2026), available at: https://www.ciel.org/wp-content/uploads/2026/04/fossil_fuel_phaseout_legal_letter_santa_marta.pdf, p. 3.

⁷⁰Center for International Environmental Law (CIEL), *Offshore, Off-Limits: Legal Tools to Address the Risks and Impacts of Offshore Oil & Gas* (2025), available at: <https://www.ciel.org/wp-content/uploads/2025/03/Offshore-Off-Limits-Law-and-Governance.pdf>, p.1.

⁷¹Center for International Environmental Law (CIEL), *The Legal Foundations for Fossil Fuel Phaseout: An Open Letter to the Co-Hosts and Participants of the First Conference on Transitioning Away from Fossil Fuels* (April 2026), available at: https://www.ciel.org/wp-content/uploads/2026/04/fossil_fuel_phaseout_legal_letter_santa_marta.pdf, p. 2.

⁷²ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 172.

⁷³Rio Declaration, principle 15; Convention on Biological Diversity, June 5, 1992, 1769 U.N.T.S. 79 (entered into force on Dec. 29, 1993), at arts. 8, 14; *Tătar v. Romania*, paras. 108–109; IACtHR, Advisory Opinion OC-23/17, at paras. 175–180.

⁷⁴See arguments in Center for International Environmental Law (CIEL), Memorandum on the Legal Obligations of States in Relation to Fossil Fuels as the Key Driver of Climate Change, Written Statement submitted to the ICJ in the matter of

precautionary principle obliges States to prioritize measures that present a lower potential to cause harm.⁷⁵ SLR is driven mainly by ocean warming (thermal expansion) and ice sheet and glacier melt.⁷⁶ Accordingly, measures that achieve sustained reductions in atmospheric CO₂ concentrations contribute to limiting sea-level rise.⁷⁷ By contrast, measures that delay emissions reductions, mask warming, or introduce systemic risks may exacerbate SLR, even where they may appear beneficial in the short term. Moreover, when CO₂ is emitted it accumulates in the atmosphere and this accumulation and associated temperature leads to harmful impacts that may be irreversible even if those emissions are later “offset” or there are subsequent removals.⁷⁸ These obligations are particularly salient given that SLR poses foreseeable and serious risks to the full enjoyment of human rights.

25. Another critical area of legal obligations that applies with particular force in the context of SLR is the customary obligation to cooperate. In its climate advisory opinion, the ICJ affirmed that since “sea level rise poses challenges in several respects, including of an economic, social, cultural and humanitarian character”, it “finds that the duty to co-operate assumes particular significance in this context, requiring States to take, in co-operation with one another, appropriate measures to address the adverse effects of this serious phenomenon. Such a duty of co-operation is founded on the recognition of the interdependence of States and the ensuing need for solidarity among peoples. In this regard, co-operation in addressing sea level rise is not a matter of choice for States but a legal obligation.”⁷⁹

26. Measures adopted under such a duty to cooperate may range from coordinated climate and disaster resilience financing vehicles and climate mobility pathways, as recently articulated by Pacific Islands Forum members,⁸⁰ to simulating future sea level scenarios and predicting their impacts on urban planning, coastal management, and disaster preparedness via tools such as the European Union Digital Twin Ocean.⁸¹

Protection of Persons Affected by SLR under Human Rights Law

27. The adverse effects of climate change, which include SLR, impair numerous human rights of present and future generations as affirmed by various international tribunals and human rights bodies.⁸² Under human rights law, it is clear that States have extensive obligations to protect

Obligations of States in Respect of Climate Change (20 March 2024), available at: <https://www.ciel.org/wp-content/uploads/2024/02/Amicus-Brief-ICJ-Defining-States-Climate-Obligations-Fossil-Fuels.pdf>, Part VII.

⁷⁵See arguments in Center for International Environmental Law (CIEL), Memorandum on the Legal Obligations of States in Relation to Fossil Fuels as the Key Driver of Climate Change, Written Statement submitted to the ICJ in the matter of Obligations of States in Respect of Climate Change (20 March 2024), available at: <https://www.ciel.org/wp-content/uploads/2024/02/Amicus-Brief-ICJ-Defining-States-Climate-Obligations-Fossil-Fuels.pdf>, Part VII B.

⁷⁶‘What Causes Sea Level Rise?’, *Global Sea Level Change* (earth.gov), available at: <https://earth.gov/sealevel/faq/70/what-causes-sea-level-rise/>

⁷⁷‘How Will Sea Levels Change in the Future?’, *Global Sea Level Change* (earth.gov), available at: <https://earth.gov/sealevel/about-sea-level-change/future-sea-level/the-basics/>

⁷⁸IPCC, Sixth Assessment Report, Summary for Policymakers (2023), available at: <https://www.ipcc.ch/assessment-report/ar6/>, para. B.7.

⁷⁹ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 364.

⁸⁰Pacific Islands Forum, Joint Contribution of Pacific Islands Forum Members to the Secretary-General’s Report on Sea-Level Rise, available at: <https://sdgs.un.org/sites/default/files/2026-02/Pacific%20Islands%20Forum%28PIF%29.pdf>.

⁸¹Copernicus Marine Service (CMEMS), ‘Rising Tides: How Europe is Responding to Sea Level Rise’ (22 April 2025), available at: <https://marine.copernicus.eu/news/rising-tides-how-europe-responding-sea-level-rise>.

⁸²See, for example, ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 372–386; IACtHR, *Advisory Opinion OC-32/25: Climate Emergency and Human Rights* (29 May 2025), available at:

coastal and island communities, the ocean, and the marine environment from pollution, including the anthropogenic emission of GHGs, and from the adverse effects of climate change such as SLR. These obligations derive from the right to a clean, healthy, and sustainable environment as well as other human rights, such as the rights to life, culture, home, food, water and sanitation, and health.

28. Notably within the human rights ecosystem, SLR jeopardizes the effective realization of the right to development by restricting peoples' self-determination and compounding inequities.⁸³ **Measures such as phasing out fossil fuel production and use, as the chief drivers of anthropogenic climate change, are essential to guaranteeing the right to development.**⁸⁴

29. **In addressing climate change-induced displacement in the human rights context, which often is connected to SLR, the ICJ has affirmed in its recent climate ruling the relevance and application of the customary international law principle of non-refoulement** which guarantees that no individual shall be returned to a country "where there are substantial grounds for believing that there is a real risk of irreparable harm to the right to life".⁸⁵ The Court built upon the UN Human Rights Committee decision in *Teitiota v. New Zealand*.⁸⁶ Accordingly, when the impacts of climate change endanger the lives of individuals and lead them to seek safety in another country, States have an obligation to not return them back to their country of origin. Yet, the threshold that is required by the non-refoulement principle appears to be too high to provide effective protection to persons whose life might not be at risk, but whose dignity and livelihood are still impaired by sea-level rise. Beyond non-refoulement, climate-induced displacement may engage a wider spectrum of human rights obligations even where the risk does not reach this level; however, the contours of such obligations remain unsettled, reflecting both doctrinal fragmentation and persistent normative gaps.⁸⁷ The ILC recommends that in the absence of a dedicated legal framework, legal and practical solutions to better protect persons affected by SLR, including internally and externally displaced people as well as those remaining *in situ*, need to be developed.⁸⁸ **We would encourage the Advisory Committee to engage with current legal gaps and suggest how human rights law can be best understood and interpreted in order to offer effective protection to those who are displaced by SLR.**

https://cdn.climatepolicyradar.org/navigator/XAB/2023/request-for-an-advisory-opinion-on-the-scope-of-the-state-obligations-for-responding-to-the-climate-emergency_Oa56c58bc7badbff64582c102c614a1f.pdf, section C.2; OHCHR, Frequently Asked Questions on Human Rights and Climate Change, Fact Sheet No. 38 (2021), available at: https://www.ohchr.org/sites/default/files/2021-09/FSheet38_FAQ_HR_CC_EN_0.pdf; Inter-American Commission on Human Rights (IACHR), Resolution 3/2021: Climate Emergency: Scope of Inter-American Human Rights Obligations (31 December 2021), available at: https://www.oas.org/en/iachr/decisions/pdf/2021/resolucion_3-21_ENG.pdf, p. 5.

⁸³See arguments in Center for International Environmental Law (CIEL), *Written Observations in the Matter of Request for Advisory Opinion No. 001/2025 on the Obligations of States with Respect to the Climate Change Crisis*, before the African Court on Human and Peoples' Rights (30 March 2026), available at: <https://www.ciel.org/wp-content/uploads/2026/03/CIEL-Observations-on-African-Court-Climate-Advisory-Opinion-Request-30-Mar-2026.pdf>, Part VII, in particular, para 117.

⁸⁴See arguments in Center for International Environmental Law (CIEL), *Written Observations in the Matter of Request for Advisory Opinion No. 001/2025 on the Obligations of States with Respect to the Climate Change Crisis*, before the African Court on Human and Peoples' Rights (30 March 2026), available at: <https://www.ciel.org/wp-content/uploads/2026/03/CIEL-Observations-on-African-Court-Climate-Advisory-Opinion-Request-30-Mar-2026.pdf>, Part VII, in particular, para 120.

⁸⁵ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 378.

⁸⁶Human Rights Committee, *Teitiota v. New Zealand*, 24 October 2019, UN doc. CCPR/C/127/D/2728/2016, para. 9.11.

⁸⁷See for example, United Nations High Commissioner for Refugees, *The Slow Onset Effects of Climate Change and Human Rights Protection for Cross-Border Migrants* (2023) para. 6.

⁸⁸International Law Commission, *Final Report of the Study Group on Sea-Level Rise in Relation to International Law*, UN Doc. A/80/10, Annex I (2025), available at: https://legal.un.org/ilc/texts/instruments/english/reports/8_9_2025.pdf, paras. 42-48.

30. Also critical from a human rights perspective is how SLR — as an adverse impact of climate change — disproportionately impacts those facing marginalization⁸⁹ and exacerbates structural inequalities.⁹⁰ To cite one example, the Committee on the Elimination of Discrimination against Women (CEDAW) has recognized that climate-induced displacement deepens systemic inequalities and heightens the risk of gender-based violence, particularly in conditions of displacement and emergency shelters.⁹¹ While articulated in general terms, this reasoning applies with equal force to displacement driven by SLR in low-lying and small island contexts. Targeted policy responses are often essential to realizing the human rights of diverse right-holders who often experience intersecting forms of marginalization in the context of climate change impacts.⁹² The multi-layered forms of discrimination that marginalized groups experience must be systematically identified and redressed when addressing SLR-related loss and damage at the international, regional, national, and local levels. Human rights standards require States to uphold substantive equality standards, and to prevent and redress the intersectional discrimination that individuals and communities disproportionately impacted by SLR may experience in the legal, political, policy, financial, and institutional responses to their situation,⁹³ including the adoption of temporary special measures⁹⁴ to support the most marginalized individuals and communities accessing what they need in a timely manner.

31. Crucially, given the multiple and intersecting challenges posed by SLR, it is essential to ensure full access rights including access to information, public participation, and access to justice. This includes holding inclusive and effective consultations with representatives of the most affected groups, such as Indigenous Peoples, fisherfolk, and coastal communities in formulating meaningful responses to address the impact of sea level rise on peoples' full enjoyment of human rights.

32. Additionally, to clearly understand who is particularly marginalized or vulnerable in the context of SLR and support intersectional policy-making, States must also collect and, as needed and in compliance with extraterritorial obligations, provide support for the collection of disaggregated data, to map disproportionate impacts and needs, taking a human rights approach.

⁸⁹IPCC, Climate Change 2007 – Impacts, Adaptation and Vulnerability – Contribution of Working Group II to the Fourth Assessment Report of the IPCC, 2007, p. 374, https://www.ipcc.ch/site/assets/uploads/2018/03/ar4_wg2_full_report.pdf

⁹⁰UN Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc. CEDAW/C/GC/37,, available at: <https://docs.un.org/en/CEDAW/C/GC/37>, para.2.

⁹¹UN Committee on the Elimination of Discrimination against Women (CEDAW), *General Recommendation No. 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc. CEDAW/C/GC/37, available at: <https://docs.un.org/en/CEDAW/C/GC/37>, para.5.

⁹²Anna Kaijser and Annica Kronsell, *Climate change through the lens of intersectionality*, Environmental Politics, 2014, p. 418

⁹³UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (2009), available at: <https://www.refworld.org/docid/4a60961f2.html>, para. 8; UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (2005), available at: <https://www.refworld.org/docid/43f3067ae.html>; UN Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 28: The Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (2010), available at: <https://www.refworld.org/docid/4d467ea72.html>, para. 18.

⁹⁴UN CEDAW Committee, General Recommendation 37 on Gender-related dimensions of disaster risk education in the context of climate change, 2018 (CEDAW/C/GC/37), para 30.

Climate harm including SLR and its consequent impacts triggers obligations to provide remedy and reparation

33. Fundamental to law's ability to deliver justice is the core legal tenet, *ubi jus, ibi remedium*, meaning that where there is a right, there must be a remedy.⁹⁵ The right to remedy and reparation as a consequence of harm suffered is a foundational component in international law, entailing a corresponding obligation on the part of the wrongdoer to provide such remedy and reparation. As has been authoritatively and consistently affirmed,⁹⁶ and outlined above, there are multiple and complementary norms under international law that apply to SLR, the breach of which triggers remediation duties. The recent climate advisory opinions from the ICJ and IACtHR further strengthen the bases for remedy and reparation for climate harm.⁹⁷

34. Under human rights law, the right to remedy is guaranteed at the international, regional, and national levels, and States have corresponding obligations to make reparation to individuals⁹⁸ and peoples⁹⁹ whose rights have been violated. This right to remedy extends to present and future generations, with special attention to the needs of those most affected by climate change, applying domestically and extraterritorially.¹⁰⁰ This right applies in the climate context, extending also thus to SLR.¹⁰¹

35. Human rights law, including in the context of SLR, provides for remedy and reparation of 'moral' or 'non-material impacts' of human rights violations, as well as material injury. Moral injury, often called "non-economic loss and damage," manifests pervasively in relation to SLR.¹⁰²

⁹⁵William Blackstone, *Commentaries on the Laws of England* (1768) 23.

⁹⁶Written Statement by the Center for International Environmental Law (CIEL): Memorandum on Legal Consequences for States of Internationally Wrongful Acts Causing Harm to the Climate System (Mar. 20, 2024), Part 1, <https://www.ciel.org/wp-content/uploads/2024/02/Amicus-Brief-ICJ-Defining-States-Climate-ObligationsReparations-Climate-Harm.pdf>

⁹⁷ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, Section V; IACtHR, *Advisory Opinion OC-32/25, Climate Emergency and Human Rights*, 29 May 2025, paras. 556–559.

⁹⁸See, e.g., Universal Declaration of Human Rights, art. 8; ICCPR, art. 2; U.N. Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights, U.N. Doc. HR/PUB/11/04 (2011), principle 25 [hereinafter UNGP]. See also Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant: International Covenant on Civil and Political Rights, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), para. 16; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147 (Dec. 15, 2005) [hereinafter UN Basic Principles and Guidelines on the Right to a Remedy and Reparation]; Maastricht Principles on the Human Rights of Future Generations, para. 30; Center for International Environmental Law (CIEL), *Remedy and Reparations for Climate Harm: the Human Rights Case* (Nov. 2024), p. 4 (explaining that "Under international human rights law, communities and individuals who have experienced or are experiencing human rights violations are entitled to access to effective remedies. This human right is recognized by a large number of human rights treaties and instruments, including but not limited to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, the European Convention on Human Rights, and the African Charter on Human and Peoples' Rights. Ensuring that individuals and Peoples whose rights have been violated obtain full reparation is fundamental to the obligation to provide remedy.")

⁹⁹United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295 (Sept. 13, 2007), art. 28.

¹⁰⁰See, e.g., Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2013); Maastricht Principles on the Human Rights of Future Generations, Chapter VI.

¹⁰¹Many UN, regional, and national human rights institutions have further elaborated on the right to remedy in the context of climate harm in relation to their specific mandates and granted compensation and other forms of reparations in this context — see, for example, Center for International Environmental Law (CIEL), *Remedy and Reparations for Climate Harm: The Human Rights Case* (November 2024), available at: https://www.ciel.org/wp-content/uploads/2024/11/Remedy-and-Reparations-for-Climate-Harm_CIEL_Report_2024.pdf, p. 5.

¹⁰²See, Ritu Bharadwaj & Tom Mitchell (IIED), *Living in the shadow of loss and damage: uncovering non-economic impacts* (Nov. 2023), <https://www.iied.org/sites/default/files/pdfs/2023-11/21891iied.pdf>; Reimann, L., Vafeidis, A. T., Brown, S.,

Redressing such harms cannot be achieved through financial compensation alone and requires far more comprehensive, often structural measures¹⁰³ tailored to the needs and perceptions of justice of those most affected.

36. The right to remedy and corresponding State obligations, including in relation to climate harm and by extension, SLR, have both substantive and procedural dimensions. The substantive dimension of the right to an effective remedy requires States to provide adequate redress, which can take, and may require, **multiple forms, including: (i) restitution, (ii) compensation, (iii) rehabilitation, (iv) measures of satisfaction, and (v) guarantees of non-repetition.**¹⁰⁴

37. The procedural dimension of the right to remedy requires remedial mechanisms to be accessible to complainants and capable of providing suitable, effective, and prompt remedy;¹⁰⁵ access to information; and inclusive and meaningful public participation in all relevant planning and decision-making processes.¹⁰⁶ Mechanisms for monitoring implementation must also be established.¹⁰⁷ Notably, reparations must be “intersectional, culturally relevant, and transformative; designed using the best available science; and incorporating affected communities as active subjects of law.”¹⁰⁸ We would recommend that the Advisory Committee conduct **consultations with representatives of the most affected groups**, including Indigenous Peoples, fisherfolk, and coastal communities, to identify a series of specific remedial measures that can inform and be included in the final report to the Human Rights Council.

38. While States must redress harm arising from SLR, they must also effectively regulate corporations under their jurisdiction and control, domestically and extraterritorially, and in line with the polluter pays principle, ensuring that corporate climate polluters bear their share of prevention and remediation costs.¹⁰⁹ **Corporations also have stand-alone legal duties to remediate climate harm for which they are responsible.**¹¹⁰

Hinkel, J., & Tol, R. S. J. (2018). Mediterranean UNESCO World Heritage at risk from coastal flooding and erosion due to sea-level rise. *Nature Communications*, 9(1).

¹⁰³IPCC, Sixth Assessment Report, Working Group II: Impacts, Adaptation and Vulnerability – Fact Sheet: Responding to Sea Level Rise (2022), available at:

https://www.ipcc.ch/report/ar6/wg2/downloads/outreach/IPCC_AR6_WGII_FactSheet_SLR.pdf; UNFCCC Warsaw International Mechanism Executive Committee, Technical Guide on Sea Level Rise, available at:

<https://unfccc.int/sites/default/files/resource/WIM%20ExCom%20sea%20level%20rise.pdf>.

¹⁰⁴ICJ Climate Change Advisory Opinion, para. 445; IACtHR Advisory Opinion AO-32/25, para. 556; see also UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, paras. 18, 23.

¹⁰⁵UN Basic Principles and Guidelines on the Right to a Remedy and Reparation, para. 2 (b)(c).

¹⁰⁶CESCR General Comment No. 27, para. 13 (“Given the interdependent and indivisible nature of all human rights, States Parties must ensure the full enjoyment of procedural guarantees in environmental matters, including those concerning climate change mitigation, adaptation and reparation, access to information, inclusive and meaningful public participation in all relevant planning and decision-making processes, and access to justice and effective remedies.”)

¹⁰⁷ IACtHR, *Advisory Opinion OC-32/25, Climate Emergency and Human Rights*, 29 May 2025, para. 559.

¹⁰⁸Climate Justice and Human Rights: Legal Standards and Tools from the Inter-American Court’s Advisory Opinion 32/25, p. 92–97 (discussing the right to integral reparation); See also IACtHR Advisory Opinion AO-32/25, paras. 535, 558, 559.

¹⁰⁹CESCR General Comment No. 27, para. 12 (“While businesses can contribute to human rights and sustainable development, certain activities – such as fossil fuel extraction and use, large-scale mining, deforestation, and other practices leading to resource depletion and pollution – can significantly undermine the enjoyment of Covenant rights. States parties must adopt legislative, administrative, educational and other appropriate measures to ensure effective protection against business-related violations of Covenant rights, including by establishing regulatory frameworks to oversee and monitor business activities. Effective mechanisms must also be in place to ensure accountability and provide redress to victims of business-related human rights abuse. In addition, States parties should have a legal framework to require business entities to exercise human rights and environmental due diligence to identify, monitor, prevent, mitigate, and remedy adverse environmental impacts on Covenant rights arising from their decisions, operations and value chains.”).

¹¹⁰See, for example, IACtHR Advisory Opinion AO-32/25, paras. 346, 350. 515 Commission on Human Rights of the Philippines, National Inquiry on Climate Change: Report (2022), <https://www.ciel.org/wp-content/uploads/2023/02/CHRP-NICC-Report-2022.pdf>.

39. Under the law of State responsibility, breaches of international obligations can trigger legal obligations of States to remedy and repair climate harm.¹¹¹ The law of State responsibility and human rights law are deeply intertwined as complementary and mutually reinforcing sources of law in relation to remediation obligations in relation to the climate crisis,¹¹² including in the context of SLR.

40. Importantly, international climate agreements and mechanisms present no bar to and do not constitute substitution for reparations due to climate-related injury, including harm associated with SLR. While the international climate treaties, including the UNFCCC and the Paris Agreement, do not currently provide for liability and compensation for climate harm, these treaties do not define or limit remedy and reparations in the context of climate change. States have concurrent remediation obligations under international law, including under the law of State responsibility and human rights law. The ICJ climate advisory opinion has affirmed that the international climate agreements and the mechanisms thereunder do not exclude other rules of international law, including the law of State responsibility, concluding that “responsibility ...in relation to the loss and damage associated with the adverse effects of climate change, is to be determined by applying the well-established rules on State responsibility under customary international law.”¹¹³ The IACtHR advisory opinion also clarifies that the Fund for Responding to Loss and Damage does not seek to ensure full reparation for loss and damage attributable to State conduct, and therefore does not substitute international obligations, including under human rights law, to provide reparation.¹¹⁴

41. To meet their obligations in relation to remedy and reparation, whether to other States, or to peoples and individuals, States must undertake certain measures in line with equity considerations such as appropriate measures to ensure access to justice in relation to remedy and reparations. These measures may entail for example the flexibilization of evidentiary standards.¹¹⁵ With respect to standing, “regardless of the form of legal standing applied, States must facilitate access to justice for individuals and groups affected by climate change and insufficient state action.”¹¹⁶

42. As argued by several States before the ICJ, very specific forms of redress may be appropriate for harm in relation to SLR. There are reparations triggered by climate destructive conduct resulting in SLR due to peoples and nations, but there may also be reparations directly due to territory for the harm visited upon it.¹¹⁷

43. Restitution, as a form of reparation, is intended to wipe out legal consequences of a breach. While in the context of SLR, some of the harm is not easily undone, nevertheless there are

¹¹¹As affirmed in: ICJ Climate Change Advisory Opinion, para. 420; IACtHR Advisory Opinion AO-32/25, paras. 302–303; ITLOS Climate Change Advisory Opinion, para. 223.

¹¹²*Remedy and Reparations for Climate Harm: The Human Rights Case* (CIEL, November 2024), available at: https://www.ciel.org/wp-content/uploads/2024/11/Remedy-and-Reparations-for-Climate-Harm_CIEL_Report_2024.pdf p. 8.

¹¹³ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 420.

¹¹⁴IACtHR, *Advisory Opinion OC-32/25, Climate Emergency and Human Rights*, 29 May 2025, paras. 198–203.

¹¹⁵See for example, *Climate Justice and Human Rights: Legal Standards and Tools from the Inter-American Court’s Advisory Opinion 32/25*, p. 9.

¹¹⁶IACtHR, *Advisory Opinion OC-32/25, Climate Emergency and Human Rights*, 29 May 2025, para. 550.

¹¹⁷Nina Bries Silva, ‘Territory as Victim: Rethinking the Right to Reparation Through Awá Indigenous Territories’ (2025) *American Journal of International Law*, available at: <https://www.cambridge.org/core/journals/american-journal-of-international-law/article/territory-as-victim-rethinking-the-right-to-reparation-through-awa-indigenous-territories/04E008FD680C06B65C3FB379F2D91D2E>.

measures that could amount to restitution by the responsible States, if consistent responsive and accountable support is provided to affected States, in particular small island developing States (SIDS). As argued before the ICJ, “[t]hese measures...should include: (i) assistance with land reclamation, (ii) support for adaptation measures, and (iii) recognizing the existing sovereignty and maritime spaces of SIDS who may lose their territory because of sea level rise.”¹¹⁸ Other forms of restitution could include the restoration of vital ecosystems like coral reefs and mangroves.¹¹⁹ Finally, when areas have become uninhabitable and land restoration or reclamation is not possible, as can be the case in the context of sea level rise, planned relocation can be considered as a last resort, provided that community well-being is prioritized and human rights are fully respected, protected, and prioritized throughout all phases.¹²⁰

44. Compensation is also very relevant in relation to SLR related harm and must “cover any financially assessable damage including loss of profits insofar as it is established”.¹²¹ Reparations could also encompass rehabilitation which aims to restore the physical, psychological, and social well-being of affected persons,¹²² and in the face of harm due to rising seas could include long-term healthcare and mental health support for affected and displaced populations (see also §7-8), the restoration of disrupted livelihoods and meaningful social protection. **Reparatory measures of satisfaction** could “take the form of expressions of regret, formal apologies, public acknowledgments or statements, or education of the society about climate change.”¹²³ In the context of sea-level rise, such measures could involve formal recognition of responsibility for climate-related harm, including the loss of territory, cultural heritage, and identity experienced by affected communities, particularly in SIDS. Additionally, forms of remedies could include “**technology transfer on fair and equitable terms**,”¹²⁴ or even **the protection and guarantee of an adequate standard of living for climate-displaced persons**, internally and across borders, through “special climate mobility agreements, pathways and other alternative arrangements, humanitarian

¹¹⁸See ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of Jamaica, Advisory Opinion Proceedings (6 Dec. 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-01-00-bi.pdf>, p. 17, paras. 9–10. On the specific issue under legal consequences that respect for sovereignty and territorial integrity requires recognition that maritime baselines remain fixed despite physical changes to the coastline due to sea-level rise, Tuvalu joined the consensus of over 100 States. ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of Tuvalu, Advisory Opinion Proceedings (12 Dec. 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241212-ora-01-00-bi.pdf>, p. 60, paras. 11–13.

¹¹⁹ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of Saint Lucia, Advisory Opinion Proceedings (10 December 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241210-ora-02-00-bi.pdf>, pp. 24–25, 67, para. 10.

¹²⁰Report of the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, “Planned relocations of people in the context of disasters and the adverse effects of climate change”, 1 July 2024, A/HRC/56/47, <https://docs.un.org/A/HRC/56/47>.

¹²¹ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of Seychelles, Advisory Opinion Proceedings (11 Dec. 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241211-ora-01-00-bi.pdf> pp. 54–55, paras. 9, 11.

¹²²UN General Assembly, Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), <http://undocs.org/A/RES/60/147>.

¹²³ICJ, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, para. 455; International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries (2001), available at: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf, art. 37; Amnesty International and Center for International Environmental Law (CIEL), Human Rights as a Compass for Operationalizing the Loss and Damage Fund, Submission to the UNFCCC (15 February 2023), available at: https://www.ciel.org/wp-content/uploads/2023/02/Human-Rights-as-a-Compass-for-Operationalizing-the-Loss-Damage-Fund-submission-Amnesty-and-CIEL_Feb-2023.pdf, p. 6.

¹²⁴ICJ, *Obligations of States in Respect of Climate Change*, Oral Submission of Jamaica, Advisory Opinion Proceedings (6 December 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241206-ora-01-00-bi.pdf>, pp. 17–18, para. 13.

visas and similar administrative policies, and measures to prevent the loss of nationality and statelessness." ¹²⁵

45. As mentioned above, **the duty to provide reparations entails a duty to also provide guarantees of non-repetition.**¹²⁶ This could include measures designed to prevent recurrence of harm by addressing its primary driver with respect to SLR, and may require the just and equitable phase-out of fossil fuel production and subsidies, strengthened regulation of corporate destructive conduct, strong support to adaptation measures and the effective integration of climate risk into all planning and governance frameworks. Guarantees of non-repetition may also be given through the provision of public, grants-based, international climate finance for mitigation, particularly to facilitate phase-out efforts in developing countries, and for adaptation. However, climate finance should be understood as supporting one pathway through which reparatory objectives may be pursued, rather than as full reparation itself, and the distinction between "...co-operative mechanisms and legally binding obligations of reparation must be maintained." ¹²⁷

iii. Final recommendations

a. The issue of sea-level rise is multilayered and cuts across a wide range of States' obligations under multiple sources of international law. We would recommend that the Advisory Committee reiterate the findings of the International Court of Justice on the **imperative of a harmonious interpretation of the various sources of law with respect to climate change, by applying it to the issue of sea-level rise.**

b. Given the importance of **providing specific and appropriate remedial measures** that can address both the material and moral losses suffered by affected communities as a consequence of climate change, we would encourage the Advisory Committee to **conduct consultations with representatives of the most affected groups**, including Indigenous Peoples, fisherfolk, and coastal communities, to identify a series of remedy and redress measures that can inform and be included in the final report to the Human Rights Council.

c. With regard to the **protection of persons displaced by sea-level rise**, in light of the current normative and legal gaps, we would encourage the Advisory Committee to leverage this report to suggest **how human rights law can be interpreted more expansively in order to offer effective protection** to those whose dignity, livelihoods, and cultural rights are impaired by slow-onset environmental degradation, even where the threshold of an immediate risk to life has not yet been met under the non-refoulement principle.

d. To ensure that its report and recommendations have the greatest possible impact on policymaking and the provision of remedies, we would encourage the Advisory Committee to make **specific recommendations to United Nations Special Rapporteurs, United Nations human rights treaty bodies, and National Human Rights Institutions** on how these mechanisms can

¹²⁵International Law Commission, Final Report of the Study Group on Sea-Level Rise in Relation to International Law, UN Doc. A/80/10, Annex I (2025), available at: https://legal.un.org/ilc/texts/instruments/english/reports/8_9_2025.pdf, para. 46.

¹²⁶UN General Assembly, Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006), <http://undocs.org/A/RES/60/147>.

¹²⁷ICJ, Obligations of States in Respect of Climate Change, Oral Submission of Bolivia, Advisory Opinion Proceedings (3 December 2024), available at: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241203-ora-01-00-bic.pdf>, p. 30, para. 54.

contribute, within their respective mandates, to the fulfilment of human rights in the context of sea-level rise. Such recommendations should address the responsibilities of all States, including in relation to extraterritorial obligations, while taking due account of the distinct nature and mandates of each mechanism.

With regard to the specific recommendations to States and the international community as a whole that will be included in the report, we would respectfully encourage the Advisory Committee to consider including the following ones:

i. Sea-level rise as a systemic threat to human rights: States should explicitly recognize that climate change-related sea-level rise constitutes a systemic threat to the full and effective enjoyment of the entire range of human rights of present and future generations, including, inter alia, the rights to life, health, an adequate standard of living, housing, to a clean, healthy and sustainable environment, water, food, and development, as well as cultural rights and the right to self-determination.

ii. Sea-level rise as a public health emergency: States and human rights mechanisms, including the Human Rights Council, should explicitly recognize sea-level rise as a public health emergency, including by recognizing and responding to climate-related mental health impacts. States should integrate health considerations across coastal planning, adaptation measures, and disaster risk reduction strategies including through mandatory health impact assessments for infrastructure and relocation decisions. Responses should prioritize safe fresh water access, food security and nutrition, investments in climate-resilient health systems and protection from toxic exposures - including in the context of nuclear legacy. Where displacement is unavoidable, States must ensure rights-based relocation that guarantees continuity of healthcare and other essential services.

iii. States' obligations to address the root causes: States' obligations with regard to sea-level rise include their customary duty to prevent climate harm by applying a heightened standard of due diligence that requires curbing fossil fuel production, consumption, and subsidies in line with the best available science. In line with the precautionary principle, States must prioritize measures proven to reduce emissions at source over reliance on unreliable carbon offset schemes or on speculative or ineffective technologies – such as Carbon Capture and Storage, Carbon Dioxide Removal, and geoengineering – which may delay essential action or introduce new systemic risks.

iv. States' obligation of cooperation: States have a legal obligation to cooperate internationally, including with regard to sea-level rise. States and the international community as a whole must take appropriate measures to address the economic, social, cultural, and humanitarian challenges of sea-level rise. These can range from the establishment of coordinated climate and disaster resilience financing vehicles to the development of climate mobility pathways to using ad-hoc tools to simulate future sea level scenarios and impacts, among other relevant measures.

v. Continuity of statehood: The International Community should uphold the continuity of Statehood and maritime zones regardless of physical changes to territory. In line with UNCLOS and the ILC, the international community must adopt a strong presumption in favor of continuing statehood and respect the stability of legal entitlements, ensuring that the loss of physical land does not entail the loss of sovereignty or the right to self-determination.

vi. An intersectional approach to sea-level rise: States must adopt an intersectional approach to sea-level rise policies, by systematically identifying and redressing pre-existing forms of multi-layered forms discrimination and structural inequalities. This requires the collection and provision of disaggregated data to map the specific, disproportionate impacts on those facing intersecting marginalization, such as women, girls, Indigenous Peoples, persons with disabilities, older persons, and coastal communities.

vii. Ensuring access rights: Given the multiple and intersecting challenges posed by sea level rise, States must uphold the rights to access to information, public participation, access to justice, and Free Prior and Informed Consent, and ensure inclusive and effective consultations with representatives of the most affected groups, including Indigenous Peoples, fisherfolk, and coastal communities, when formulating meaningful responses to address the impact of sea-level rise on the full enjoyment of human rights of the affected communities.

viii. Upholding the right to remedy and reparation: States must uphold the right to an effective remedy and their corresponding duty to provide full reparation for human rights violations resulting from sea-level rise under multiple and complementary sources of law. States also have an obligation to adequately regulate corporations under their jurisdiction and control for their domestic and extraterritorial climate harmful conduct, and implement the polluter pays principle, to ensure that these entities are held responsible for providing redress for both material injury and the destruction of ways of life and ecosystems resulting from rising seas. Remedial mechanisms must be accessible to complainants and capable of providing suitable, effective, and prompt remedy. Financial compensation – which should cover any financially assessable damage including loss of profits insofar as it is established- is an important form of remedy. However, remedy must go beyond financial compensation and encompass other forms of reparation, such as guarantees of non-repetition, restitution, compensation, rehabilitation and satisfaction. Effective redress must entail more systemic redress measures tailored to the needs and perceptions of justice of those most affected, in order to repair both material harm and the moral injury inherent in the loss of cultural identity and traditional ways of life as a consequence of sea-level rise. Such measures include, inter alia, preventing the exacerbation of sea-level rise by halting new fossil fuel expansion and phasing out existing fossil fuels; integrating climate risk in planning; providing land reclamation assistance and social protection support; restoring marine ecosystems; and establishing rights-based protections for climate-displaced persons.

This submission has been prepared by the Center for International Environmental Law. For any questions or feedback regarding this specific submission, note, please reach out to Joie Chowdhury (jchowdhury@ciel.org), Francesca Mingrone (fmingrone@ciel.org) and Dharmesh Shah (dshah@ciel.org). (Submission date: 30 April, 2026)