

Draft Global Recommendations on Nationality and Statelessness in the Context of Climate Change

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1. Global Recommendations: A Quick View

Recommendation 1: Identify and enumerate stateless persons and persons without a recognised nationality status in national counting exercises that are used to inform development and humanitarian policies, plans and programming, including for climate change adaptation, disaster risk reduction, and emergency preparedness, response and recovery.

Recommendation 2: Identify stateless persons who have been displaced or migrated across international borders in the context of climate change, by establishing and ensuring access to statelessness determination procedures.

Recommendation 3: Protect the rights of stateless persons and persons without a recognised nationality status in situations where they are exposed and vulnerable to, or already affected by, climate-related hazards.

Recommendation 4: Prevent loss of nationality and statelessness in the context of climate change by assessing relevant legal and policy frameworks to identify where potential risks of loss of nationality and statelessness may arise.

Recommendation 5: Prevent loss of nationality or voluntary renunciation of nationality that might lead to statelessness for those who are displaced or migrate across international borders in the context of climate change.

Recommendation 6: Prevent childhood statelessness by ensuring that all children are able to acquire a nationality in the context of climate change.

Recommendation 7: Prevent statelessness by providing everyone with access to birth registration and proof of nationality documentation in contexts where people are vulnerable to or affected by climate-related hazards.

Recommendation 8: Prevent loss of nationality and statelessness by ensuring that any bilateral or multilateral agreements that facilitate migration across an international border in the context of climate change protect against statelessness.

Recommendation 9: Reduce statelessness by expediting the resolution of all known cases of statelessness, considering its compounding effects in the context of climate change.

List of Abbreviations:

Abbreviation	Full Form
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
GCM	Global Compact for Safe, Orderly and Regular Migration (2018)
GCR	Global Compact on Refugees (2018)
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ILC	International Law Commission
IPCC	Intergovernmental Panel on Climate Change
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees

2. Introduction

2.1 The adverse impacts of [climate change](#) have the potential to create or exacerbate conditions in which people face an increased risk of losing their [nationality](#) and becoming [stateless](#). Furthermore, the particular vulnerabilities and protection needs of people who are already stateless are rarely recognised in climate-related policies and their implementation. This can have far-reaching implications for the enjoyment of basic human rights for millions of people around the world. Despite this, the nexus between the impacts of climate change on loss of nationality and statelessness remains underexplored and largely unaddressed in international legal and policy responses to the increasing impacts of climate change.

2.2 These Global Recommendations on Nationality and Statelessness in the Context of Climate Change (Global Recommendations), developed in partnership between the United Nations High Commissioner for Refugees (UNHCR) and the Peter McMullin Centre on Statelessness (PMCS), aim to guide States and other stakeholders towards concrete steps that will help to safeguard every person's right to a nationality and reduce the impacts of climate change on those who are already stateless.

2.3 The Global Recommendations aim to help governments assess, plan, and take timely action to ensure that nationality of their nationals is not lost, statelessness is prevented and reduced, and that stateless persons are protected in the context of the unfolding climate emergency. The Global Recommendations are potentially relevant to a wide range of government ministries and departments, including those responsible for: nationality matters; civil registration; foreign affairs; environmental issues, including climate change; migration; human rights; development; health; education; employment; indigenous peoples and minorities. Other stakeholders, including stateless-led organisations, civil society groups, researchers, regional and international organisations, may also find the Global Recommendations useful in their efforts to support governments review, change, or develop laws and policies that help to secure nationality, prevent and reduce statelessness, and support stateless persons in the context of climate change.

The right to a nationality and statelessness

2.4 Every person has the right to a nationality.¹ Statelessness, or the condition of lacking the nationality of any country,² affects millions of people globally.³ In practice, having a nationality acts as the gateway to the enjoyment of other human rights,⁴ including the right to health, education, employment, and freedom of movement, which is why being stateless has such a severe impact on those it affects.⁵ These Global Recommendations are anchored in and draw upon the international legal framework relating to the right to nationality and statelessness. This framework includes the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) which sets out the international legal definition of a stateless person as well as the basic rights⁶ to be afforded to those who are stateless, and the 1961 Convention on the Reduction of Statelessness (1961 Convention), which sets out safeguards to prevent statelessness in childhood and later in life, as well as other international and regional instruments (see ‘Right to a nationality’ in the Guiding Principles below).⁷

2.5 UNHCR is the UN agency mandated by the UN General Assembly to identify and protect stateless persons and to prevent and reduce statelessness around the world.⁸ These Recommendations are aligned with the objectives of UNHCR’s [Global Action Plan 2.0](#), particularly the call to better understand and effectively address the impacts of climate change on the risks of statelessness and on stateless persons.⁹ They also align with the vision of the UNHCR-led [Global Alliance to End Statelessness](#) of ‘a world free from statelessness where everyone enjoys the right to a nationality without discrimination.’¹⁰

Action Plan to End Statelessness 2.0

UNHCR's Global Action Plan to End Statelessness 2.0 builds on earlier work and achievements (notably the 2014-2024 Global Action Plan to End Statelessness and the #IBelong campaign) to accelerate progress in addressing statelessness. It lays out 11 actions that States, in partnership with UNHCR and other stakeholders, should take to resolve existing statelessness, prevent new cases, and improve the identification, protection, and inclusion of stateless persons

The 11 Actions of the Global Action Plan 2.0

Each action is intended to address different sources or consequences of statelessness, and together they form a comprehensive framework.

1. **Resolve major situations of statelessness** — tackle longstanding and large-scale statelessness situations by granting nationality
2. **Ensure that no child is born stateless** — introduce or strengthen legal safeguards so every child has a nationality from birth.
3. **Remove gender discrimination from nationality laws** — reform laws that discriminate on grounds of gender, allowing women and men equal ability to acquire, retain or confer nationality.
4. **Prevent denial, loss, or deprivation of nationality on discriminatory grounds** — ensure that nationality cannot be denied, lost or withdrawn because of ethnicity, religion, political belief, race, etc.
5. **Prevent statelessness in cases of State succession** — address gaps when new States form, when borders change, or States split, so people are not left without nationality.
6. **In migratory context, determine statelessness and protect stateless persons and facilitate their naturalization** — ensure that people migrating or displaced are able to have their statelessness status recognized, are granted legal residency and that their rights are protected, including ensuring a pathway to nationality.
7. **Ensure birth registration for the prevention of statelessness** — make sure all children are registered at birth, which is a foundational tool in preventing statelessness.
8. **Issue nationality documentation to those with entitlement to it to prevent statelessness** — ensure people who have a right to a nationality under the law are able to secure the documents that prove it.
9. **Accede to the UN Statelessness Conventions** — join the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
10. **Improve quantitative and qualitative data on stateless populations** — collect better data through national census and other surveys about who are stateless, where they are, and the issues they face.
11. **Ensure stateless persons can enjoy their rights** — pending grant of nationality, guarantee that stateless persons can enjoy their human and are included in national systems and services.

The impacts of climate change

- 2.6 The emission of greenhouse gases through human activities, primarily the burning of fossil fuels like coal, oil and gas, is heating the planet faster than at any time in at least the last 2000 years.¹¹ Climate-related hazards, including both extreme weather events such as heatwaves, droughts, extreme precipitation, and cyclones, as well as slow-onset events or processes such as sea-level rise, rising temperatures, loss of biodiversity, and desertification, are increasing as a result, with substantial consequences for exposed and vulnerable people and ecosystems.¹²
- 2.7 The impacts of climate change are context-specific and often complex, as climate-related hazards interact with other compounding, triggering or underlying drivers of risk in populations and territories including: hazardous geological, technological, and biological or chemical events; processes of environmental degradation; and societal factors related to governance, conflict or financial shocks.¹³
- 2.8 Indirect or cascading effects may include, for example, the amplification of food and water insecurity, the loss of climate-sensitive livelihoods, the degradation and loss of habitable territory, and increased risk of disaster, conflict, generalized violence, and human rights violations that result in displacement and other forms of human mobility.¹⁴ This is what is meant by “the context of climate change”, as frequently referred to in these Global Recommendations.
- 2.9 Impacts of climate change also have the potential to create or exacerbate risks for loss of nationality and statelessness, as further discussed below. Furthermore, many of the world’s known stateless populations live in countries and situations where they are highly exposed and vulnerable to climate-related hazards.

2.10 Governments' multilateral and national commitments to climate change mitigation, adaptation, disaster risk reduction and responses to avert, minimise and address the adverse impacts of climate change, or loss and damage, provide an opportunity to bring greater knowledge and attention needed to address statelessness risks in the context of climate change, including through linkages to human mobility and commitments to "leave no one behind". Different aspects are addressed in international treaties and policy instruments, including the 2015 Paris Agreement, the Sendai Framework for Disaster Risk Reduction (2015-2030), and the Agenda for Sustainable Development (2015-2030), as well as in the 2018 Global Compact on Refugees and the 2018 Global Compact for Safe, Orderly and Regular Migration.¹⁵

Statehood and nationality in the context of sea-level rise and loss of physical territory

2.11 As global temperatures continue to increase due to climate change, rising sea-levels are contributing to well documented threats such as coastal erosion, soil salination and the pollution of groundwater sources, and amplifying extreme weather events such as typhoons, king tides and related flood risk, particularly in low-lying, small island States and other coastal communities. Risks of statelessness linked to climate change have been most frequently discussed in relation to these current and projected impacts of sea-level rise on the habitability and loss of physical territory. Under international law, territory along with a permanent population, a government, and the capacity to enter into relations with other States,¹⁶ is an indicator of statehood.¹⁷ However, many experts, international bodies and States themselves have minimised or rejected the possibility of loss of statehood arising from loss of territory alone.¹⁸ Rather, there is strong and growing support among States, regional bodies, and scholars for the continuity of statehood.¹⁹

2.12 The continuity of statehood provides that the status, rights, and obligations of States continue despite changes in territory, population, or government. As the International Law Commission (ILC) has noted:

The continuity of statehood in the context of climate change-related sea-level rise is based 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. It is linked to legal stability, certainty and predictability, the sovereign equality of States, permanent sovereignty of States over their natural resources, the maintenance of international peace

and security, equity and justice, and international cooperation. The continuity of statehood is essential to avoid situations of loss of nationality and statelessness.²⁰

2.13 Likewise, in its Advisory Opinion on the Obligations of States in respect of Climate Change, the International Court of Justice (ICJ) also affirms the continuity of statehood despite the potential for reductions in the territory of some low-lying States, noting that ‘once a State is established, the disappearance of one of its constituent elements would not necessarily entail the loss of its statehood’.²¹

2.14 The continuity of statehood means that the State in turn can continue to recognise its nationals, even if they reside outside of its territory. As such, widespread recognition of continuity of statehood is expected to support persons in retaining their nationality and help to prevent statelessness in accordance with human rights standards.²² States are encouraged to join the growing support for this principle by respecting the continued sovereignty of States facing extreme harms due to climate change. This includes maintaining diplomatic relationships with States particularly affected by climate change-related sea-level rise, and respecting their continued participation in international institutions.

Affected populations

2.15 Risks of statelessness in the context of climate change are more likely to arise in relation to the tens of millions of people migrating or being displaced each year,²³ rather than through the loss of the entire habitable territory of States.²⁴

2.16 Risks of statelessness and risks to stateless persons arising from climate-related hazards are already being experienced in different ways by communities globally, with disproportionate impacts on people living in the most exposed and vulnerable situations.²⁵

(a) Displaced persons and migrants

2.17 Human mobility, in the form of displacement and migration within or across international borders, is a response to climate change that is already taking place across regions worldwide.²⁶ Tens of millions of people flee their homes because of the threat and impacts of climate-related hazards each year, and this trend is expected to rise.²⁷ Climate-related hazards also have indirect, context-specific effects on other drivers of displacement and migration through their

interaction with a wide range of social, economic, political and demographic factors, including the potential to exacerbate social tensions and conflict between communities whose access to essential environmental resources is under increasing climate-related pressure.²⁸

2.18 Projected increases in climate-related hazards and their impacts on human mobility patterns and trends has the potential to significantly amplify risks of loss of nationality and statelessness. Populations that are displaced or that need to migrate in response to the impacts of climate change, may be affected by loss of or damage to documents that help to prove their nationality, such as birth certificates or national identity documents. Individuals or groups that are displaced, or that migrate across international borders due to the impacts of climate change may be affected by gaps in or conflicts between nationality laws. This includes nationality laws that prevent women from conferring their nationality to their children born abroad, nationality laws that lack safeguards to grant nationality to children born on the territory who would otherwise be stateless, and nationality laws that make it possible for certain nationals to lose their nationality as a result of prolonged residence abroad, even where the loss could result in such nationals being left stateless.

2.19 A variety of actions may be undertaken to reduce these risks. As a priority, the mitigation of greenhouse gas emissions, targeted measures, and support for adaptation strategies that would allow communities to remain in their homes safely and for as long as possible would reduce risks of statelessness associated with displacement and migration.²⁹ At the same time, cooperation at the regional and international levels is needed to bolster law and policy frameworks, technical and financial support for safe, voluntary and regular migration as an adaptive response, as well as preparedness and response to human mobility and associated risks of statelessness as a form of non-economic loss and damage.³⁰

(b) Stateless persons and persons without a recognised nationality status

2.20 People who are already stateless, and persons without a recognised nationality status often face specific, heightened risks because of pre-existing vulnerabilities that arise because of their lack of legal status and marginalisation. In the context of the impacts of climate change, exclusion due to lack of legal status may take on more serious, even life-threatening, dimensions. For example, stateless persons and persons without a recognised nationality status may be excluded from critical support services, including disaster relief and emergency

healthcare, that may only be available to those who are nationals or those who have a recognized legal status. Those who work in the informal economy may face loss of livelihoods resulting from extreme weather events, from which they may have little or no support to recover. Individually or together, these vulnerabilities leave stateless persons more exposed to climate and disaster-related harms, while having little access to support or protection.

Scope, and structure of the Global Recommendations

- 2.21 To underscore their practical benefits if implemented, the Global Recommendations are organised under the four pillars of UNHCR's statelessness mandate³¹: (1) Identify; (2) Protect; (3) Prevent; and (4) Reduce. Some of the recommendations which appear under one pillar may equally support the benefit offered by another pillar or pillars. In such cases, the relevance of the particular recommendation to other pillars is noted, without repeating the entire content of the recommendation under multiple pillars.
- 2.22 Each recommendation also indicates to which affected population it applies and how. The relevant affected populations are: (a) stateless persons and/or *persons without a recognised nationality status* in their own country (includes those who may be internally displaced); (b) stateless persons and/ or persons without a recognised nationality status outside their own country; (c) nationals at risk of losing their nationality and becoming stateless in their country of nationality (includes those who may be internally displaced); (d) nationals at risk of losing their nationality and becoming stateless outside their country of nationality. The table below provides a summary snapshot of which recommendations apply to each of these populations of concern:

Recommendation	Categories of Affected Populations			
	A	B	C	D
	Stateless persons and/or persons without a recognised nationality status in their own country	Stateless persons and/or persons without a recognised nationality status outside their own country	Nationals at risk of losing their nationality and becoming stateless in their country of nationality	Nationals at risk of losing their nationality and becoming stateless outside their country of nationality
Identify				
1	✓	✓		
2		✓		
Protect				
3	✓	✓		
Prevent				
4			✓	✓
5				✓
6	✓*	✓*	✓*!	✓*!
7	✓	✓	✓	✓
8				✓
Reduce				
9	✓	✓		

*For Recommendation 6, the focus is on children at risk of statelessness being born to any of the affected populations.

!In relation to affected populations C and D in the context of Recommendation 6, in addition to the risk of statelessness for their children, the nationals in question themselves may or may not be at risk of loss of nationality and statelessness.

2.23 As a first step, governments and relevant stakeholders should establish which of the affected population types are present, or are likely to be present in the future, in their jurisdictions, and then proceed to identify which of the Recommendations are most relevant to their contexts. In this sense, the Recommendations are not prescriptive. Rather, they offer a toolkit that can be tailored to specific circumstances.

3. Guiding Principles

3.1 Recommendations are underpinned by the following principles which reflect universally applicable norms of international law.

(a) Right to a nationality

3.2 The right to nationality is a fundamental human right, meaning everyone is entitled to a nationality, and no one should be arbitrarily deprived of their nationality or denied the right to change it. This right is recognized in the Universal Declaration of Human Rights ('UDHR'), the International Covenant on Civil and Political Rights ('ICCPR'), the Convention on the Rights of the Child ('CRC') and other international and regional instruments.³²

3.3 At minimum, having a nationality is associated with the right of entry, re-entry, and residence in the State's territory.³³ In practice, however, nationality is often the basis for accessing other socio-economic and political rights such as the right to vote, work and access social services. In the context of climate change, upholding the right to a nationality is critical to ensuring that communities affected by the impacts of climate change continue to be able to enjoy their basic human rights. These Recommendations are therefore predicated upon ensuring that everyone enjoys their right to a nationality.

(b) Equality and non-discrimination

3.4 Equality and non-discrimination are key principles that require that all human beings be treated equally and that no one faces discrimination based on race, gender, age, disability, or other protected attributes.³⁴ The right to equality means providing equal access to rights, resources, and opportunities to all persons. Given that discrimination is both a major underlying cause and consequence of statelessness, these Recommendations are focused on addressing situations where climate change impacts have the potential to disproportionately affect the nationality status of those who are the most marginalised and therefore vulnerable, including children, indigenous and minority groups, women, and those with disabilities, as well as people who are already stateless, thereby exacerbating existing inequalities.³⁵

(c) Right to life with dignity

3.5 The right to life with dignity requires that individuals are not arbitrarily or unlawfully deprived of life and are able to live in a manner that respects their inherent worth and value.³⁶ The right to life with dignity requires having access to basic necessities such as food, water, shelter, and healthcare.³⁷ It also includes being free from discrimination, torture, and cruel, inhuman or degrading treatment or punishment.³⁸ Because of the severe impact on basic rights closely associated with the lack of nationality, these Recommendations are driven by the imperative of avoiding loss of nationality which leads to statelessness, and ensuring respect for the rights of those who are already stateless, which includes the provision of realistic and timely pathways to nationality.

(d) Duty of international cooperation

3.6 The international duty to cooperate obliges States to work together to achieve common goals and solve shared problems, including to promote and encourage respect for and observance of human rights, to address matters of international environmental concern³⁹, and to coordinate efforts to help States affected by disasters.⁴⁰ Articles 1, 55, and 56 of the Charter of the United Nations establish the duty of States to cooperate in addressing economic, social, cultural, and humanitarian issues and in promoting human rights.⁴¹ The principle is also embedded in the Universal Declaration of Human Rights,⁴² multiple international human rights treaties⁴³, and regional instruments designed to protect the right to a nationality and address statelessness.⁴⁴

3.7 Cooperation among States and ‘other members of the international community’⁴⁵ is critical not only to addressing the impacts of climate change, but to protecting persons and communities affected by these impacts. This includes safeguarding every person’s right to a nationality by *inter alia* improving understanding and analysis of loss of nationality and statelessness in the context of climate change, offering international protection to affected persons, and ensuring compliance of laws and policies with international standards to prevent and reduce statelessness and to protect stateless persons, including through the exchange of good practices. The duty to cooperate is particularly relevant in the context of cross-border movement of people as a consequence or in anticipation of the adverse impacts of climate-related hazards.

(e) Right to participate

3.8 The right to participate is primarily understood as the right of States and peoples to shape international law through mechanisms like treaty negotiation and international organizations, but it also encompasses individual rights to participate in decisions affecting them. The right of individuals to participate in public affairs⁴⁶ and to actively engage in promoting and protecting human rights and participate in international law-making⁴⁷, is particularly relevant to those who are stateless or experiencing displacement because '[r]esponses are most effective when they actively and meaningfully engage those they are intended to protect and assist.'⁴⁸

3.9 In the context of climate change, persons who are stateless, persons without a recognised nationality status, and persons at risk of statelessness, should have the right to participate meaningfully in decisions that affect them directly or indirectly. For these affected communities, the right to participate meaningfully includes considering the expertise, experience, and information they contribute through their participation; ensuring that they have access to information in appropriate languages, format and technologies that facilitates their right to participate; and ensuring that their participation is adequately supported and resourced.⁴⁹

4. Recommendations

A. Identify

Recommendation 1: Identify and enumerate stateless persons and persons without a recognised nationality status in national counting exercises that are used to inform development and humanitarian policies, plans and programming, including for climate change adaptation, disaster risk reduction, and emergency preparedness, response and recovery (also relevant to Recommendation 3 under Protect).

4.1 This Recommendation is relevant in contexts where there are:

- A - Stateless persons and/or persons without a recognised nationality status in their own country; and
- B - Stateless persons and/or persons without a recognised nationality status outside their own country.

Context:

- 4.2 For countries to ensure that stateless persons are included in their responses to climate change they need to recognise the existence of stateless populations and persons without a recognised nationality status⁵⁰, and understand their specific needs. The identification of existing stateless persons is an essential first step to ensuring that their rights are protected.⁵¹ This is particularly important as many States still do not report or count stateless populations in their national enumeration exercises, have only partially counted stateless populations, or have not updated their data on stateless populations for many years.⁵²
- 4.3 Identification exercises should also include persons without a recognised nationality status, potentially including border-dwelling populations, nomadic and semi-nomadic populations, such as sea-faring groups. These populations are often overlooked or omitted from surveys and censuses and additional cooperation between States might be required to ensure that they are accounted for comprehensively.⁵³
- 4.4 Identification of stateless persons and persons without a recognised nationality status may occur as part of risk assessments that are undertaken to identify geographic areas in which populations are at risk of increased impacts of climate change. Identification of stateless persons and persons without a recognised nationality status through national census exercises or targeted government surveys may also be needed where these groups have not already been enumerated, and should also capture basic demographic information on these groups.⁵⁴ Identification is also imperative to ensure that the unique needs of stateless persons and communities are understood and incorporated into development and humanitarian policies, plans and programming climate change adaptation, disaster risk reduction and emergency preparedness, response and recovery.
- 4.5 For additional information on the identification of stateless persons, please also refer to UNHCR's [Global Action Plan 2.0](#), Action 10: Improve quantitative and qualitative data on stateless populations, and the [International Recommendations on Statelessness Statistics](#) and the [UNHCR Quick Guides on Researching Statelessness](#).

Implementation:

- 4.6 To implement Recommendation 1, States can:

- Ensure identification exercises (including censuses and government surveys) that are used to inform the development of climate adaptation, management, and disaster risk reduction and relief strategies, include all persons residing in a State's territory regardless of their nationality, status. Ensure that such counting exercises are updated on a regular basis. Ensure data gathered is disaggregated based on age and sex.
- In the case of identifying border-dwelling, nomadic or semi-nomadic populations, establish bilateral or multilateral government taskforces to ensure that identification exercises are completed comprehensively.
- Adapt survey instruments to identify the specific needs and risks faced by stateless communities and persons without a recognised nationality status in the context of climate change (e.g., lack of identity documentation, less economic resilience due to exclusion from formal labour market, higher risk of ill health or death due to lack of access to public health services).

Recommendation 2: Identify stateless persons who have been displaced or migrated across international borders in the context of climate change, by establishing and ensuring access to [*Statelessness Determination Procedures \(SDPs\)*](#). (also relevant to Recommendation 3 under Protect).

4.7 This Recommendation is relevant in contexts where there are:

- C - Stateless persons and/or persons without a recognised nationality status outside their own country.

Context:

4.8 Groups of people who have been displaced or migrated across international borders in the context of climate change may include stateless persons or persons without a recognised nationality status. Or they may become stateless or persons without a recognised nationality status once they have moved to a new country due to gaps in or conflicts between the nationality laws of their own country and the country that receives them.

4.9 The establishment of SDPs in States receiving individuals from other States facilitates identification of those who are stateless.⁵⁵ Where SDPs already exist, those who are stateless

or without a recognised nationality status should be given ready access to such procedures to ensure that their nationality status is clarified. Statelessness status determination is an essential first step to ensure that the rights of all [*stateless persons in a migratory context*](#), whether that be in the context of climate change or otherwise, are respected and upheld.⁵⁶ Formal determination of statelessness should also be linked to a facilitated pathway to nationality of the receiving country. As of 2025, only 30 States have established SDPs.⁵⁷

- 4.10 For additional information on SDPs, please refer to UNHCR's [Global Action Plan 2.0](#), Action 6: In migratory context, determine statelessness and protect stateless persons and facilitate their naturalization, [UNHCR's Handbook on the Protection of Stateless Persons](#), and [UNHCR's Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures to Protect Stateless Persons](#).

Implementation:

- 4.11 To implement Recommendation 2, States can:

- Establish SDPs in line with international legal definition of a stateless person, and standards set out in the UNHCR Handbook on the Protection of Stateless Persons.
- Ensure that persons who may be stateless and have been displaced or migrated to another country in the context of climate change can access SDPs.
- Provide guidance to decision makers to ensure that they are aware of the country contexts and profiles of those migrants and refugees who may be stateless in the context of climate change.
- Accede to the 1954 Convention and ensure that its provisions are implemented in national laws and policies (also applies to Recommendation 3)

B. Protect

Recommendation 3: Protect the rights of stateless persons and persons without a recognised nationality status in situations where they are exposed and vulnerable to, or already affected by, climate-related hazards.

- 4.12 This Recommendation is relevant in contexts where there are:

- A - Stateless persons and/or persons without a recognised nationality status in their own country; and

- C - Stateless persons and/or persons without a recognised nationality status outside their own country.

Context:

4.13 The impacts of climate change have the potential to exacerbate the negative consequences of statelessness or lack of recognised nationality status on enjoyment of human rights, including freedom of movement and liberty, access to health care, water and food, shelter, education, and work, as well as cultural rights.⁵⁸ For example, climate-change impacts may result in new or more severe diseases. Stateless people and persons without a recognised nationality status, who often do not have access to public health care, could become even more susceptible to acute and life-threatening illnesses. The fact that many stateless persons and persons without a recognised nationality status often work in the informal economy could make them more vulnerable to loss of livelihoods resulting from extreme weather events, and this vulnerability may be heightened by the common exclusion of stateless persons from access to social services.⁵⁹

4.14 Additionally, stateless persons and persons without a recognised nationality status are often at risk of arrest or detention, forced eviction, expulsion and even trafficking, due to their lack of legal status or restrictions associated with their legal status. In the context of climate change, increased resource scarcity and poverty, diminishing habitability in certain geographic areas, and the declaration of states of emergency all have the potential to increase the targeting and vulnerability of those who lack nationality or whose nationality status is unclear.

4.15 For stateless persons in a migratory context, stable residence, the right to family unity, and identity and travel documentation, are particularly important considerations in addition to other basic rights such as the right to work.

4.16 Stateless persons and persons without a recognised nationality status who also have other protected characteristics, such as sex, age, religion, disability, or displacement, may face intersectional discrimination or exclusion.⁶⁰ In addition, due to their lack of nationality or legal status, stateless persons and persons without a recognised nationality status may be excluded from support services, disaster relief policies and strategies, and emergency healthcare services.⁶¹

4.17 The 1954 Convention defines who a stateless person is and, along with applicable standards of international human rights law, establishes a set of minimum rights that stateless persons should be granted. The rights set out in the 1954 Convention are not limited to individuals who have been recognized as stateless following a determination made by a State; instead, the rights afforded to an individual under the Convention are linked to the nature of that person's presence in the country. These rights include property rights, the right of association, the right of access to the courts, the right to gainful employment, the right to education, the right to social security, the right to freedom of movement and the right to identity and travel documents. In addition to the 1954 Convention provisions, the treatment of stateless persons under a State's national law must align with other international human rights standards: most human rights apply to everyone, regardless of nationality or immigration status, including stateless persons.⁶²

4.18 For additional information on protecting the rights of stateless persons, please refer to UNHCR's [Global Action Plan 2.0](#), Action 11: Ensure Stateless Persons can enjoy their rights.

Implementation:

4.19 To implement Recommendation 3, States can:

- Review and, if necessary, amend development and humanitarian policies, plans and programming relating to climate adaptation, management and disaster risk reduction and relief to incorporate stateless populations and their specific needs. The intersectional needs of stateless persons and persons without a recognised nationality status with protected characteristics including children, women, indigenous persons, displaced persons and those with disabilities should be considered. This should be done through community consultation with affected groups.
- Ensure that stateless persons and persons without a recognised nationality status impacted by or displaced in the context of climate change have non-discriminatory access to assistance and support services and are not arbitrarily detained.
- Ensure those in a migratory context who are determined to be stateless, are granted a right of residence as well as basic rights, including the right to work, access to healthcare and social assistance, as well as a travel document.⁶³ Family reunion with spouses and dependents should also be facilitated.

- Sensitise emergency service providers to ensure that they are aware of barriers, such as lack of identity documentation or fear of authorities, which may prevent stateless populations from accessing protection.
- Ensure that stateless communities have access to long-term sustainable solutions including facilitated pathways to nationality (also relevant to Recommendation 9).
- Accede to the 1954 Convention and ensure that its provisions are implemented in national laws and policies (also relevant to Recommendations 2 and 9).

C. Prevent

Recommendation 4: Prevent loss of nationality and statelessness in the context of climate change by assessing relevant legal and policy frameworks to identify where potential risks of loss of nationality and statelessness may arise (also relevant to Recommendation 8 under Prevent).

4.20 This Recommendation is relevant for contexts in which there are:

- C - Nationals at risk of losing their nationality and becoming stateless in their country of nationality; and
- D - Nationals at risk of losing their nationality and becoming stateless outside their country of nationality.

Context

4.21 Extreme weather events linked to climate change have the potential to cause loss of life, displacement, and destruction of documentation. In this context, risks of loss of nationality and statelessness can arise where domestic laws and policies fail to safeguard against loss of nationality and statelessness.⁶⁴ For example, a lack of safeguards in nationality laws to grant nationality to children who are abandoned and whose parents are unknown (for example, due to death), could lead to statelessness. Likewise, nationality laws that prevent mothers from conferring their nationality to their children, may result in children being left stateless if fathers are not present to attest paternity (e.g. missing or have died).

4.22 For individuals outside their country of nationality, statelessness can arise if, for example, they are subject to laws that permit nationals to lose their nationality if they reside in another country for an extended period, or due to legislation or complex processes that limit the ability

of children born abroad to acquire the nationality of their parents or the country of birth. In cases where documents are lost or destroyed, for example due to extreme weather events, unclear, complex or non-existent procedures for the replacement or renewal of [civil registration](#), nationality or identity documents may also compound risks of statelessness.⁶⁵

4.23 Annex 1 of these Recommendations sets out an annotated assessment template to support States to undertake country-specific or regional risk assessments. The template will assist States to analyse relevant domestic laws, policies and practices, identify potential gaps or lack of safeguards against statelessness, and examines potential conflicts of laws that may compound or lead to risks of statelessness.

Implementation:

4.24 To implement Recommendation 4, States can:

- Undertake country-specific and regional risk assessments to identify potential risks of statelessness in relevant laws and policies using the template set out in Annex 1.
- Where displacement or migration in the context of climate change is anticipated, further analysis into the interaction between the nationality laws of specific States of departure and destination should be undertaken to identify where risks of statelessness might arise.

Recommendation 5: Prevent loss of nationality or voluntary renunciation of nationality that might lead to statelessness for those who are displaced or migrate across international borders in the context of climate change (also relevant to Recommendation 8 under Prevent).

4.25 This Recommendation is relevant for contexts in which there are:

- D - Nationals at risk of losing their nationality and becoming stateless outside their country of nationality.

Context:

4.26 Displacement or migration in the context of climate change may leave persons in a precarious position where they are unable or unwilling to return to their country of nationality and must reside abroad. In some cases, restrictive nationality laws of their country of nationality may not allow people to preserve their nationality due to extended periods of residence abroad.

Such laws may contravene Article 7 of the 1961 Convention⁶⁶ and other provisions of international human rights law.⁶⁷ For example, some States permit loss of nationality for naturalised nationals due to residence abroad, placing naturalised nationals who are displaced or migrate across international borders in the context of climate change at a heightened risk of statelessness. The risk of statelessness may increase due to unavailability of consular assistance or the lack of capacity of States to undertake nationality verification, particularly due to additional strains on governments when managing climate change responses.

4.27 Some States permit nationals to renounce their nationality without offering protection against statelessness. The ability to renounce a nationality can assist people who wish to settle in another State, since some States require individuals to give up their existing nationality before they can naturalise as nationals and enjoy the full suite of rights available in their new home. However, if a person who renounces their nationality does not successfully obtain another, they will be left stateless unless the laws of their original country of nationality contain proper safeguards.⁶⁸

4.28 Although there is no obligation to permit dual nationality under international law, increased movement across international borders for reasons such as employment, education, or protection, has led to grant of dual (or even multiple) nationality becoming an increasingly common feature of state practice.⁶⁹ In the context of climate and disaster related human mobility, dual nationality can be a valuable tool for protecting people's rights, ensuring their continued connection to their country of origin,⁷⁰ and preventing statelessness.⁷¹ Dual nationality respects individuals' right to retain their earlier nationality and may help preserve cultural identity, as they acquire the nationality of their State of residence to enable full participation in social and political life. States should give equal respect to the multiple nationalities that an individual may possess and not view the fact that a person holds more than one nationality as an opportunity to deprive a person of any of those nationalities.⁷²

4.29 For more information on loss of nationality, please refer to [UNHCR's Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness](#).

Implementation:

4.30 To implement Recommendation 5, States can:

- Amend nationality laws that may lead to loss of nationality and result in statelessness for persons who are displaced or migrate in the context of climate change.
- Amend nationality laws to prevent statelessness arising from voluntary renunciation of nationality by adopting safeguards that continue to recognise a person as a national until they have formally acquired a new nationality.
- Consider amending nationality laws to allow dual nationality in order to prevent loss of connections with the country of origin, enable integration in the new home country, and prevent statelessness.
- Ensure that naturalised nationals have the same rights as natural born nationals to retain their nationality.
- Accede to the 1961 Convention and implement its provisions through domestic laws and policies (also applies to Recommendations 6 and 8).

Recommendation 6: Prevent childhood statelessness by ensuring that all children are able to acquire a nationality in the context of climate change (also relevant to Recommendation 8 under Prevent).

4.31 This Recommendation is relevant in contexts where there are children at risk of statelessness being born to:

- A - Stateless persons and/or persons without a recognised nationality status in their own country;
- B - Stateless persons and/or persons without a recognised nationality status outside their own country;
- C - Nationals (at risk of losing their nationality and becoming stateless) in their country of nationality;
- D - Nationals (at risk of losing their nationality and becoming stateless) outside their country of nationality;

Context:

4.32 Risks of childhood statelessness may persist or be heightened in the context of climate change. Statelessness has severe negative impacts on children's enjoyment of their human rights, including the right to education and healthcare. These privations may be amplified by

climate-related hazards. Climate-related hazards have the potential to cause loss of life, displacement, and destruction of documentation. This can compound the impact of discrimination and gaps in and conflicts between nationality laws, thus raising risks of childhood statelessness.

- 4.33 For example, for both stateless persons in their own country and stateless persons in a migratory context, a lack of legal safeguards in nationality laws that would grant nationality to their children on the basis that they would otherwise be stateless, fails to stop intergenerational statelessness. It also increases the number of children who are likely to experience severe rights violations as a consequence of being left stateless.
- 4.34 For nationals, whether they are in their country of nationality or abroad, discriminatory nationality laws that prevent women from conferring their nationality to their children not only contravene Article 9 of CEDAW, but may result in children being left stateless if fathers have gone missing or died, for example in the context of an extreme weather event linked to climate change or a disaster. In situations where both parents are missing and their identities are unknown, a lack of legal safeguards to grant nationality to *foundlings* or children who are abandoned or permanently separated from their parents, may also leave children stateless.⁷³
- 4.35 The child's right to a nationality is protected in major human rights instruments. A number of these instruments additionally provide the right to immediate birth registration (see Recommendation 7 below) and the equal right of parents to pass nationality to their children.⁷⁴ States are required to prevent child statelessness by following international obligations, and Article 3 together with Articles 7 and 8 of the CRC requires that all actions concerning children, including in the area of nationality, must be undertaken with the best interests of the child as a primary consideration.⁷⁵
- 4.36 For more information on preventing childhood statelessness, please refer to UNHCR's Global Action Plan 2.0, Action 2: Ensure that no child is born stateless and Action 3: Remove gender discrimination from nationality. Please also refer to [UNHCR's Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness](#), [UNHCR's Good Practices Paper - Action 2: Ensuring that no child is born stateless](#), and [UNHCR's Good Practices Paper - Action 3: Removing Gender Discrimination from Nationality Laws](#).

Implementation:

4.37 To implement Recommendation 6, States can:

- Adopt and implement nationality laws that grant nationality to children born in the territory of the State who would otherwise be stateless.
- Adopt and implement laws to grant nationality to foundlings, or abandoned children of unknown parentage, present in the territory of the State.
- Ensure that all nationals, women and men, have equal rights to confer their nationality to their children without discrimination.
- Ensure that naturalised nationals have the same rights as natural born nationals to confer their nationality to their children.
- Accede to CEDAW without reservations, or remove reservations, and implement its provisions with retroactive effect through domestic laws and policies.

Recommendation 7: Prevent statelessness by providing everyone with access to birth registration and proof of nationality documentation in contexts where people are vulnerable to or affected by climate-related hazards (also relevant to Recommendation 3 under Protect, and Recommendation 8 under Prevent).

4.38 This Recommendation is relevant in contexts where there are:

- A - Stateless persons and/or persons without a recognised nationality status in their own country;
- B - Stateless persons and/or persons without a recognised nationality status outside their own country;
- C- Nationals at risk of losing their nationality and being left stateless in their country of nationality; and
- D - Nationals at risk of losing their nationality and being left stateless outside their country of nationality.

Context:

4.39 People who are impacted by or who are displaced or migrate in the context of climate change may not be able to prove their nationality due to lost or damaged civil registration or identity documentation, or even physical repositories, for example due to floods or wildfires.

They may also face barriers to accessing civil registration and documentation processes, such as (re)acquiring documentation, including birth certificates, passports, and national identity cards. Lack of documentation that helps to prove or serves as proof of nationality can leave people at risk of statelessness or render them stateless, especially when authorities equate lack of proof of nationality with lack of nationality itself.

4.40 The right of every child to be registered at birth is universally protected.⁷⁶ Universal birth registration is also critical to achieving Target 16.9 of the Sustainable Development Goals to provide *legal identity*⁷⁷ to every person and preventing statelessness.⁷⁸ Birth registration helps to prevent statelessness by establishing a legal record of where a child was born and who their parents are. These key facts are the foundation for acquiring nationality at birth. Without birth registration, including issuance of a birth certificate, children - especially those who have been displaced or migrated - may have problems proving their links to a State. This can make it difficult for them to have their nationality established and obtain proof of nationality.

4.41 Further, birth registration can help to facilitate the implementation of the legal safeguards against statelessness referred to in Recommendation 6. For children who are born stateless in contexts where there are no safeguards to prevent their statelessness at birth, birth registration remains important to facilitate their protection and enjoyment of rights, and it may also be helpful for resolving their statelessness later in life.

4.42 Relevantly, the 2019 Global Compact for Safe, Orderly and Regular Migration calls on States to provide their nationals with proof of legal identity, including proof of nationality that will allow “national and local authorities to ascertain a migrant’s legal identity upon entry, during stay and for return”.⁷⁹ This responsibility extends to providing replacement legal identity and proof of nationality documents. The 2018 Global Compact on Refugees calls on all States to support receiving States to contribute “resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons, as appropriate, to civil and birth registration and documentation.”⁸⁰

4.43 The continued reliance by many States on paper documentation, places people at heightened risk of document loss and damage in the context of climate change. For people who have been displaced or migrated to another country which is not their country of nationality in the context of climate change, barriers to accessing consular services such as physical distance,

lack of awareness or cost may also undermine their ability to reacquire documentation or verify their nationality status.⁸¹

4.44 For more information on preventing statelessness by ensuring birth registration and access to proof of nationality, please refer to [UNHCR's Global Action Plan 2.0](#), Action 7: Ensure birth registration for the prevention of statelessness, and Action 8: Issue nationality documentation to those with entitlement to it to prevent statelessness. Please also refer to [UNHCR's Good Practices Paper – Action 7: Ensuring birth registration for the prevention of statelessness](#).

Implementation:

4.45 To implement Recommendation 7, States can:

- Review and amend when necessary, laws and policies to ensure free, universal birth registration, regardless of parents' documentary, migratory or nationality status.
- Ensure simplified procedures for the (re)acquisition of civil registration documents or documents that serve as proof of nationality, such as passports or national identity cards.
- Facilitate the (re)acquisition of civil registration documents and documents that serve as proof of nationality by ensuring that policies regarding access to consular services or assistance for nationals are sensitive to the impacts of climate change, specifically the increased likelihood of the destruction of or damage to documents.
- Train officials to support (re)acquisition of civil registration documents and documents that prove nationality for people impacted by or who have been displaced or migrated in the context of climate change.
- Digitalise civil registration systems and other identity management systems to safeguard against the potential impacts of extreme weather events.
- Digitise existing civil registration documents and documents that prove nationality and provide a secure alternative to physical IDs for everyone, including stateless persons. Digitization needs to follow best practice to ensure that there is continuity between paper-based and digital documents.
- Assess and address practical obstacles that prevent people impacted by or who have been displaced or migrated in the context of climate change from being registered at birth or (re)acquiring documentation. For example, distance from registration centres, or administrative, language, or financial barriers.

- Raise awareness among people impacted by or who have been displaced or migrated in the context of climate change of the importance of civil registration and documents that prove nationality. Facilitate access to free legal aid to help access birth registration and documentation in complex situations.

Recommendation 8: Prevent loss of nationality and statelessness by ensuring that any bilateral or multilateral agreements that facilitate migration across an international border in the context of climate change protect against statelessness.

4.46 This Recommendation is relevant in contexts where there are:

- D - Nationals at risk of losing their nationality and being left stateless outside their country of nationality.

Context:

4.47 States that are vulnerable to the impacts of climate change, including in relation to sea-level rise, are starting to enact bilateral and multilateral agreements, which *inter alia* facilitate migration pathways for their nationals to other States where they may reside, usually on a permanent basis.⁸²

4.48 To safeguard the nationality of persons who utilise such migration opportunities and to protect against statelessness, these agreements need to explicitly engage with issues of nationality.⁸³ This includes any impacts of facilitated migration on the retention of existing nationality (see Recommendation 5), whether access to specific rights is linked to acquisition of nationality of the new country of residence, and whether such acquisition of nationality will be facilitated or subject to any special conditions.⁸⁴

4.49 It is beneficial for the laws of States party to such agreements to allow for dual and multiple nationality (see Recommendation 5). This will help to ensure that people relocating pursuant to such agreements can maintain their original nationality while having the possibility to acquire the nationality of the country to which they are moving. This reduces risks of statelessness that might arise due to conflict between and gaps in nationality laws (see Recommendation 6). It also helps those who are migrating to a new country to maintain legal and cultural ties to their country of origin, while facilitating integration in the new country. In

accordance with the continuity of statehood (see Introduction) allowing people to retain their original nationality will help them to retain their voting rights in their States of origin. Retention of voting rights may be important for indigenous groups to help preserve their cultural rights.

Implementation:

4.50 To implement Recommendation 8, States can:

- Prior to entering into agreements concerning facilitated migration in the context of climate change with another State or States, undertake an assessment to identify and address potential gaps, missing safeguards in or conflicts between the nationality laws of the States wishing to enter into the agreement that may lead to statelessness (see Recommendation 4 above).
- Meaningfully engage affected communities in the design, negotiation, and implementation of such agreements. Ensure that affected communities are apprised of the implication for their nationality status should they migrate pursuant to such agreements.
- Ensure that such agreements directly address the potential impacts of migration on nationality status, indicate whether it is possible to retain and confer nationality of the country of origin, and set out the process for acquiring the nationality of the new country of residence where appropriate.
- Permit dual or multiple nationality to reduce risks of statelessness by allowing migrants to retain their nationality as they integrate and acquire the nationality of the new country of residence (see Recommendation 5 above).

D. Reduction

Recommendation 9: Reduce statelessness by expediting the resolution of all known cases of statelessness, considering its compounding effects in the context of climate change.

4.51 This Recommendation is relevant in contexts where there are:

- A - Stateless persons and/or persons without a recognised nationality status in their own country;
- B - Stateless persons and/or persons without a recognised nationality status outside their own country.

Context:

4.52 Resolving known cases of statelessness through grant of nationality and associated rights is the best protection against the compounding effects of statelessness and impacts of climate change.⁸⁵ For example, more stateless people are likely to face serious or life-threatening illness due to having limited or no access to public healthcare in a context where there are higher incidences of extreme weather-related diseases and injuries. Stateless people may face increased housing precarity and homelessness due to their poverty and inability to own property in a context of greater scarcity of and more competition over habitable land or secure housing. Given that stateless people are more likely to work in the informal economy, or rely on subsistence living, they are more likely to face loss of livelihoods, resulting from extreme weather events, from which they may have little or no support to recover.

4.53 Where statelessness is protracted and intergenerational in nature, the compounding impacts of climate change have the potential to undermine development outcomes for affected communities, which can in turn increase social tension and civil unrest. Recognising stateless persons residing on the territory as nationals also reduces the risk of States exporting statelessness where populations migrate or become displaced in the context of climate change.

4.54 If persons who migrate or are displaced in the context of climate change are already stateless or rendered stateless due to gaps in nationality laws or their inability to prove their nationality, receiving States should facilitate their [*naturalization*](#) and that of their family where applicable (see Recommendation 2).⁸⁶

4.55 For more information on reducing statelessness, please refer to [UNHCR's Global Action Plan 2.0](#), Action 1: Resolve major situations of statelessness, and [UNHCR's Good Practices Paper – Action 1, Resolving major situations of statelessness](#).

Implementation:

4.56 To implement Recommendation 9, States can:

- Grant nationality through targeted nationality campaigns or nationality verification efforts to existing stateless populations residing on the territory of States.
- Provide access to facilitated naturalization for stateless persons who have migrated or been displaced across an international border in the context of climate change.

- Ensure that statelessness determination procedures are linked to pathways to facilitated naturalization and that derivative nationality is available for children in keeping with the principle of family unity.
- Ensure that stateless persons who are granted nationality enjoy the full complement of human rights linked to the status of being a national.

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GLOSSARY:

Adaptation: Adjustments in ecological, social or economic systems in response to actual or expected climatic stimuli and their effects, which moderate harm or exploit beneficial opportunities.

Civil registration: The continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events, like births, deaths, marriages, and divorces, in accordance with legal requirements in each country. It's a crucial process for establishing legal identity, providing vital statistics, and maintaining population data.

Climate change: A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere, and which is in addition to natural climate variability observed over comparable time periods.⁸⁷

Climate-related hazards: Include both *extreme weather events* and *slow-onset events* and their potential impacts.⁸⁸ They may be variously characterised as 'natural' phenomenon or processes (such as seasonal rainfall or temperatures), 'socionatural' (such as when rainfall leads to floods in urban areas without adequate drainage), and 'anthropogenic' as influenced by anthropogenic climate change in addition to natural variability in the climate or weather.⁸⁹ See also *Hazard*.

Derivative nationality: The process by which certain individuals automatically acquire nationality as a result of a parent or spouses' nationality status. Derivative nationality is acquired by operation of law, meaning it happens automatically rather than requiring a separate application process.

Disaster: A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of [exposure](#), vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.⁹⁰

Displacement: The forced movement of persons within their own country (internal displacement) or across an international border (cross-border displacement) as a result of, or in order to avoid, the effects of armed conflict, situations of generalized violence, violations of human rights, or *climate change*⁹¹ and *disasters*⁹².

Exposure: The situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas.⁹³ Extreme weather event: Weather events that are unexpected, unusual, severe or unseasonal and that are, ‘rare at a particular place and time of year’.⁹⁴ These can include: heatwaves, droughts, extreme precipitation, tropical storms and tornados, snowstorms and storm surges. Current rates of climate change are leading to changes in the frequency, intensity, spatial extent, duration and timing of some extreme weather events.⁹⁵ Extreme weather events may occur on a variety of temporal and spatial scales, including single, discrete, rapid-onset events that occur in a matter of days or even hours, such as a hurricane or downpour, and others that refer to extreme weather conditions over a season such as below-average rainfall or drought. Extreme weather events include heatwaves, droughts, extreme precipitation or rainfall, tropical storms and tornados, snowstorms and storm surges.

Extreme weather event: Weather events that are unexpected, unusual, severe or unseasonal and that are, ‘rare at a particular place and time of year’.⁹⁶ These can include: heatwaves, droughts, extreme precipitation, tropical storms and tornados, snowstorms and storm surges. Current rates of climate change are leading to changes in the frequency, intensity, spatial extent, duration and timing of some extreme weather events.⁹⁷ Extreme weather events may occur on a variety of temporal and spatial scales, including single, discrete, rapid-onset events that occur in a matter of days or even hours, such as a hurricane or downpour, and others that refer to extreme weather conditions over a season such as below-average rainfall or drought. Extreme weather events include heatwaves, droughts, extreme precipitation or rainfall, tropical storms and tornados, snowstorms and storm surges.

Foundling: Children of unknown origin found in a territory. Nationality laws generally apply to children born within a territory, or to national parents. As the birth location and parentage of foundlings is unknown, such laws may prevent foundlings from attaining nationality unless it is explicitly granted to them.

Hazard: A process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation.⁹⁸

Human mobility: A descriptive term used under the UNFCCC system and processes to collectively refer to three forms of population movement in the context of climate change: *Displacement, Migration* and *Planned Relocation*.⁹⁹

Legal identity: There is no international legal definition of the term ‘Legal identity’. According to the UN’s operational definition, ‘legal identity is defined as the basic characteristics of an individual's identity. e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority. This system should be linked to the civil registration system to ensure an integrated approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.’¹⁰⁰

Loss and damage (or losses and damages): Climate change impacts resulting from extreme weather events and slow onset events, which may include economic losses (loss of resources, good and services traded in markets) or non-economic losses (losses that are not commonly traded in markets such as human lives, cultural heritage, displacement and, potentially, statelessness).¹⁰¹

Migration: The movement of persons away from their usual residence, either across an international border or within a State. For the purposes of this document, the term refers to population movements that are primarily voluntary in nature.¹⁰²

Nationality: A legal status which reflects a formal link, between the individual and a particular State, giving rise to legal obligations between the individual and the State. At the international level the term ‘nationality’ is used interchangeably with the term ‘citizenship’.

Naturalization: The process of granting nationality to a person (as opposed to that status being automatically acquired at birth). There are many ways in which a person may become a naturalised national including residence for a prescribed period on the territory, marriage to a national, by descent, and by re-applying for nationality as a former national.

Own country: This term is interpreted in the sense envisaged by Article 12(4) of the International Covenant on Civil and Political Rights and the Human Rights Committee in its General Comment No 27. Stateless persons in their “own country” include individuals who are long-term, habitual residents of a State which is often, but not always, their country of birth. It includes those who have been denied nationality due to state succession and or those arbitrarily deprived of the right to acquire the nationality of the country of long-term residence.¹⁰³

Persons without a recognised nationality status: Includes individuals who lack proof or recognition of any nationality status but who may possess an entitlement to nationality. Persons without a recognised nationality status includes those whose nationality status is unclear or under dispute. It also includes those who are stateless and who may self-identify as such, but where their statelessness status has not been formally recognised by the government in the country of residence, including those who are in the process of securing this recognition. It also includes those without a recognised nationality status because of real or perceived link(s) to another country/ies by the Government in the country of residence.¹⁰⁴

Planned relocation: A planned process in which persons or groups of persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives.” Planned relocation can be voluntary or involuntary, and usually takes place within the country, but may, in very exceptional cases, also occur across international borders.¹⁰⁵

Slow-onset events: An event or process slowly evolving from incremental changes occurring over many years, or from an increased frequency or intensity of recurring events,¹⁰⁶ including sea-level rise, increasing aridity and desertification, salinization, rising temperatures, glacial retreat, land and forest degradation, loss of biodiversity and ocean acidification, as specified by Parties to the UNFCCC.¹⁰⁷

Stateless/ statelessness/ stateless person: A person who is not considered as a national by any State under the operation of its law.¹⁰⁸

Stateless persons in a migratory context: Stateless persons who have migrated or been displaced from their own country across international borders. They may have been stateless prior to their migration or displacement or become stateless in the context of their migration or displacement.

Statelessness determination procedure: A formal process established by a State to identify individuals who meet the definition of a stateless person under the 1954 Convention. By determining and documenting statelessness, the procedure enables States to fulfil their international obligations, assess the presence and needs of stateless persons within migrant populations, and regularize their legal status and stay within the country.

Vulnerable/ vulnerability: The propensity to be adversely affected. Vulnerability encompasses a variety of concepts and elements, including sensitivity or susceptibility to harm and lack of capacity to cope or adapt.¹⁰⁹

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ANNEX – Assessment Checklist

To identify potential risks of statelessness that may arise in the context of climate change, States may wish to undertake country-specific or regional assessments using the questions in the checklist below. Such assessments should review a broad range of laws as well as related regulations and policies which may impact a person's ability to acquire, confer, and retain nationality, naturalise, or access civil registration or identity documentation services.

Relevant laws (and related regulations and policies) include: the national constitution, nationality laws, civil registration laws, immigration and refugee laws, family laws including laws relating to marriage and adoption, laws relating to equality and non-discrimination, census laws, laws relating to climate adaptation, management and disaster risk reduction and relief, as well as laws relating to the migration of people in the context of climate change. Given the potentially wide range of laws and policies that may require assessment, States may wish to consider establishing a national taskforce or coordination mechanism, which brings together relevant ministries and departments to ensure that the assessment is conducted comprehensively and accurately.

Laws and policies relating to the acquisition of nationality

1. Is nationality acquired in the territory by jus soli, jus sanguinis, or a combination?
2. Can all nationals confer their nationality to their children born abroad? (Recommendation 6)
3. Can nationals who were born abroad confer nationality to their children born abroad? (Recommendation 6)
4. Is dual or multiple nationality permitted? (Recommendations 5, 8)
5. Is nationality granted to children born in the territory who would otherwise be stateless? (Recommendation 6)
6. Is nationality granted to foundlings present in the territory? (Recommendation 6)
7. Does the law facilitate the naturalization of stateless persons in the territory? (Recommendation 4, 9)
8. Does the law permit the spouse and children of the person who is naturalised to also acquire nationality on a derivative basis? (Recommendation 9)
9. Have targeted nationality or nationality verification campaigns or measures for existing stateless populations residing in territories been planned or undertaken? (Recommendation 9)

Laws and policies relating to the loss of nationality

10. Can nationals lose their nationality by residing abroad? (Recommendation 5)
11. Can nationals voluntarily renounce their nationality even if this would leave them stateless? (Recommendation 5)

Laws and policies relating to birth registration and proof of nationality

1. Can all persons who give birth on the territory register the births of their children free of charge? (Recommendation 7)
2. Are simplified procedures in place to facilitate the (re)acquisition of identity documents in cases where they are lost or damaged? (Recommendation 7)
3. Are policies in place to allow for access to consular services for persons impacted by climate change who may lack identity documents? (Recommendation 7)
4. Have consular and government officials received training to support persons impacted by climate change to (re)acquire documentation? (Recommendation 7)
5. Is the State's civil registration system digitalised? (Recommendation 7)
6. Have existing paper identity documents been digitised? (Recommendation 7)

Laws and policies relating to the identification of stateless persons

7. Do census exercises and government surveys count all persons residing in territories regardless of nationality, legal or migration status? (Recommendation 1)
 - a. Is census and other population survey data disaggregated on the basis of age and sex? (Recommendation 1)
 - b. Are mechanisms in place (including bilateral and multilateral arrangements) to ensure that border-dwelling, nomadic and semi-nomadic populations are comprehensively counted? (Recommendation 1)
8. Have surveys been undertaken to identify and assess the specific needs and risks faced by stateless communities in the context of climate change? (Recommendation 1)
9. Does the law contain a definition of a stateless person in accordance with the international legal definition of a stateless person? (Recommendation 3)
10. Is an SDP in place to determine statelessness status for persons in a migratory context? (Recommendation 2)
 - a. Does the SDP align with the standards set out in the UNHCR Handbook on the Protection of Stateless Persons? (Recommendation 3)

- b. Is the SDP accessible to persons who have been displaced to migrated to the country in the context of climate change? (Recommendation 3)
- c. Does a determination of statelessness lead to a legal status and a right of residence? (Recommendation 3)
- d. Are country information and guidance available to decision makers to ensure they are aware of the country contexts and profiles of persons who apply for statelessness status in the context of climate change? (Recommendation 2)

Laws and policies on climate adaptation, disaster risk reduction and emergency preparedness, response and recovery

- 11. Do laws and policies on climate adaptation, disaster risk reduction and emergency preparedness, response and recovery include stateless persons? (Recommendation 3)
 - a. Do laws and policies consider stateless persons with protected characteristics including women, children, indigenous persons, those with disabilities and those are displaced? (Recommendation 3)
 - b. Have stateless communities been consulted as part of the development of laws and policies on climate adaptation, management and disaster risk reduction and relief? (Recommendation 3)
- 12. Are assistance and support services for persons displaced or impacted in the context of climate change available to all regardless of nationality or migration status? (Recommendation 3)
- 13. Has training been conducted with emergency service providers to sensitise them to the barriers which may prevent stateless persons from accessing services? (Recommendation 3)

Laws and policies relating to international legal standards on nationality and statelessness

- 14. Does the nationality law discriminate based on gender, race, religion, etc? (Recommendation 5)
- 15. Does the nationality law discriminate/differentiate between naturalised and natural born citizens? (Recommendation 5)
- 16. Is the State party to both 1954 and 1961 Statelessness Conventions?
- 17. Have the 1954 and 1961 Statelessness Conventions been implemented into domestic law? (Recommendations 2,5)

18. Is the State party to the Convention on the Elimination of All Forms of Discrimination Against Women? (recommendation 6)

- a. Are there any reservations to Article 9 of the Convention on the Elimination of All Forms of Discrimination Against Women? (Recommendation 6)

Laws and policies relating to bilateral or multilateral agreements to facilitate migration of nationals in the context of climate change

19. Are any bilateral or multilateral agreements envisaged between the State and other States to facilitate migration of nationals in the context of climate change? (Recommendation 8)

- b. Are there any conflicts between the nationality laws of the State and the nationality laws of the receiving State? (Recommendation 4, 8)
- c. Have affected communities been meaningfully engaged in the design, negotiation and implementation of bilateral and multilateral agreements? (Recommendation 8)
- d. Do agreements directly address the potential impacts of migration on the nationality status of persons who are relocating from one country to another? (Recommendation 8)
- e. Do agreements contain safeguards for the retention of nationality of the country of origin? (Recommendation 8)
- f. Do agreements set out pathways to gain nationality of receiving States? (Recommendation 8)
- g. Do all States party to the agreement permit dual or multiple nationality? (Recommendation 8)

Endnotes:

¹ Article 15, Universal Declaration of Human Rights.

² Article 1 of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as someone who is ‘not recognised as a national by any State under the operation of its law.’ This definition has attained the status of customary international law, which means it applies to all States, not just those that are party to the 1954 Convention. *Convention Relating to the Status of Stateless Persons*, opened for signature 28 September 1954, 360 UNTS 117 (entered into force 6 June 1960) article 1 (‘1954 Statelessness Convention’); UNHCR, ‘Handbook on Protection of Stateless Persons’ (UNHCR, 2014) 7 (‘Handbook’).

³ Based on the latest figures reported by States, UNHCR reports 4.4 million stateless persons globally. However, this is a significant underestimate, with the true number projected to be many millions more. UNHCR, ‘Global Trends in Forced Displacement 2023’ (June 2024) (‘Global Trends’).

⁴ Even if in theory, human rights are to be enjoyed by virtue of being human (HRC Gen Comment no.31).

⁵ UNHCR Australia.

⁶ It should be noted that the right to a nationality is not among the rights to be granted to those who are stateless under the 1954 Convention. Other international instruments promote the right to a nationality – see Section 3: Guiding Principles.

⁷ *1954 Statelessness Convention* (n 2); *Convention on the Reduction of Statelessness*, opened for signature 30 August 1961, 989 UNTS 175 (entered into force 13 December 1975) (‘1961 Statelessness Convention’).

⁸ Executive Committee of the High Commissioner’s Programme, *Conclusion No. 106 (LVII): Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons No. 106 (LVII) 2006* (6 October 2006) UN Doc A/AC.96/1035.

⁹ UNHCR, *Global Action Plan to End Statelessness 2.0*, 2 October 2024. (‘Global Action Plan’).

¹⁰ [Global Alliance to End Statelessness](#).

¹¹ Intergovernmental Panel on Climate Change (IPCC), 2023: Summary for Policymakers. In: *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, Doi: 10.59327/IPCC/AR6-9789291691647.001

¹² Ibid.

¹³ See, for example, [Technical guidance on comprehensive risk assessment and planning in the context of climate change | UNDRR](#), p.9.

¹⁴ [IPCC \(2022\) Sixth Assessment Working Group II Report](#); [UNDRR Technical guidance on comprehensive risk assessment and planning in the context of climate change](#); [UNHCR \(2024\) No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement](#).

¹⁵ UNFCCC, *Adoption of Paris Agreement* (29 January 2016) UN Doc FCCC/CP/2015/10/Add.1; *Sendai Framework for Disaster Risk Reduction 2015-2030*, GA Res 69/283, UN Doc A/RES/69/283 (23 June 2015, adopted 3 June 2015); GCM (n 29) *Global Compact on Refugees* (‘GCR’) GA Res 73/151, UN Doc A/RES/73/151 (10 January 2019, adopted 17 December 2018); *Global Compact for Safe, Orderly and Regular Migration*, GA Res 73/195, UN Doc A/RES/73/195 (11 January 2019, adopted 19 December 2018), para 18 (i).

¹⁶ 1933 Montevideo Convention on the Rights and Duties of States, article 1.

¹⁷ *Convention on the Rights and Duties of States*, opened for signature 26 December 1933, 20165 LNTS 165 (adopted 26 December 1934) article 1 (‘Montevideo Convention’).

¹⁸ ILC, ‘Sea-Level Rise in Relation to International Law: Second Issues Paper by Patrícia Galvão Teles and Juan José Ruda Santolaria, Co-Chairs of the Study Group on Sea-Level Rise in Relation to International Law’ (19 April 2022) UN Doc A/CN.4/752, 62 (‘Sea-Level Rise’). In their second Issues Report, the ILC concluded that ‘[p]ersons affected by sea-level rise are not per se at risk of losing their nationality and becoming stateless.’ The ILC notes that the risk of statelessness arising from the direct impacts of sea-level rise only arises in extreme circumstances ‘in which a State disappeared and there was no solution to ensure the continuity of its legal personality or some form of State succession.’; International Law Association, ‘International Law and Sea Level Rise: Final Report’ (2024) 36. The International Law Association concluded that it is unlikely that persons would be rendered stateless in ‘worst case scenario’ situation where States are completely submerged due to sea-level rise. Stating that ‘[a]s long as affected States are able to grant citizenship to persons constituting their population, statelessness is not primarily a consequence of sea level rise’; Jane McAdam, ‘Preserving Statehood through

Population and Government: Safeguarding Nationality and Franchise in the Context of Sea-Level Rise and Mobility' (2022) 20 *New Zealand Yearbook of International Law* 1, 6-7; ILC, 'Sea-level rise in relation to international law: Final consolidated report of the Co-Chairs of the Study Group on sea-level rise in relation to international law by Patrícia Galvão Teles, Nilüfer Oral and Juan José Ruda Santolaria' (3 February 2025), UN Doc A/CN.4/783, paras 34 and 45.

¹⁹ ILC, 'Final report of the Study Group on sea-level rise in relation to international law' (2025), para 35-36. *Declaration on Sea-Level Rise and Statehood* (adopted by the Association of Small Island States, 23 September 2024); *Declaration on the Continuity of Statehood and the Protection of Persons in the Face of Climate-Change Related Sea-Level Rise* (adopted by the Pacific Island Forum, 6 August 2023) ('*Declaration on the Continuity of Statehood*'); ILC, 'Sea-Level Rise' (n 18) 46-48; *Pacific Regional Framework on Climate Mobility* (endorsed by the 52nd Pacific Islands Forum, 6 – 10 November 2023); Michel Rouleau-Dick, 'Competing Continuities: What Role for the Presumption of Continuity in the Claim to Continued Statehood of Small Island States?' 22(2) *Melbourne Journal of International Law* (2021).

²⁰ ILC 'Final Report on Sea-Level Rise' para 38.

²¹ ICJ Advisory Opinion on Obligations of States in Respect of Climate Change 2025, para 363.

²² International human rights instruments which uphold the right to a nationality, including the prohibition on the arbitrary deprivation of nationality include the *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, UN Doc A/810 (10 December 1948) article 15 ('UDHR'); *International Covenant on Civil and Political Rights*, opened for signature 19 December 1966, 999 UNTS 14668 (entered into force 23 March 1976) article 24 ('ICCPR'); *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) article 9 ('CEDAW'); *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) article 7 ('CRC'); *International Convention on the Elimination of Racial Discrimination*, opened for signature 7 March 1966, 660 UNTS 195 (entered into force 4 January 1969) article 5 ('ICERD'); *Convention on the rights of Persons with Disabilities*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008) article 18 ('CRPD'); *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, opened for signature 18 December 1990, 2220 UNTS 3 (entered into force 1 July 2003) article 29 ('CPRMW').

²³ In 2024, the Internal Displacement Monitoring Centre (IDMC) recorded that 26.4 million persons were internally displaced due to disasters. The IDMC note that '[n]ot all weather-related disasters are the result of climate change, but it is making some hazards more frequent and intense. It is also making communities more vulnerable and addressing the underlying drivers of displacement more urgent.' IDMC, 'Global Report on Internal Displacement' (IDMC and Norwegian Refugee Council, 2025) 2.12; UNHCR's Strategic Plan for Climate Action 2024-30 warns that '[t]he global climate crisis is a human crisis, amplifying the drivers of forced displacement and protection needs within and across international borders for millions of people and increasing risks of statelessness.' UNHCR, 'Strategic Plan for Climate Action 2024-30' (UNHCR, December 2023) 7.

²⁴ Michelle Foster, Nicola Hard, Hélène Lambert and Jane McAdam, 'The Future of Nationality in the Pacific: Preventing Statelessness and Nationality Loss in the context of Climate Change' (May 2022).

²⁵ Julian Clifton, Greg Accioli, Helen Brunt, Wolfram Dessler, Michael Fabinyi, and Sarinda Singh, 'Statelessness and Conservation: Exploring Implications of an International Governance Agenda' (2014) 19 *Tilburg Law Review* 81; Justin Dargin, 'Beyond "Green Pledges": Saudi Arabia and Society-Centered Climate Reform' in *Climate Change and Vulnerability in the Middle East* (Carnegie Endowment, 2023); Human Rights Watch, "'An Island Jail in the Middle of the Sea': Bangladesh's Relocation of Rohingya Refugees to Bhasan Char' (7 June 2021); UNHCR, Norwegian Refugee Council ('NRC'), and Peter McMullin Centre on Statelessness ('PMCS'), 'Statelessness and Climate Change' (UNHCR, 2021); Leah Ndimurwimo and Michaela Jahnig, 'The Impacts of Climate Change on Statelessness in the Southern African Region' (2022) 8(3) *African Human Mobility Review* 94.

²⁶ *Australia-Tuvalu Falepili Union Treaty 2024* ('*Falepili Union Treaty*'); UNDP, 'No. 29 Policy Notes: A Strategic Approach to Climate Mobility Adaptation and Resilience in Latin America and the Caribbean' (2024); Craig Reucassel, Deborah Richards and Victoria Allens, 'In Fiji, the Climate Crisis Is No Longer off in the Future – It's a Daily Reality', *ABC News* (Webpage, April 2023) <<https://www.abc.net.au/news/2023-04-06/fiji-climate-change-moving-villages-vunidogoloa/102186670>>; UNICEF, 'Child Alert: Children Uprooted in the Caribbean' (Webpage, December 2019) <<https://www.unicef.org/media/62836/file/Children-uprooted-in-the-Caribbean->

2019.pdf>; David James Cantor, 'Cross-Border Displacement, Climate Change and Disasters: Latin America and the Caribbean' (*Platform on Disaster Displacement*, UNHCR, July 2018); CARICOM, 'Climate Change and Nature Disasters Key Drivers of Displacement in the Caribbean' (Webpage, 10 July 2024) <<https://caricom.org/climate-change-and-natural-disasters-key-drivers-of-displacement-in-the-caribbean/>>;

Ndimurwimo and Jahnig (n 25)

²⁷ IDMC Global Report on Internal Displacement, 2025; and IPCC Sixth Assessment Report, Working Group II

²⁸ IPCC (2022) Sixth Assessment Working Group II Report; UNDRR Technical guidance on comprehensive risk assessment and planning in the context of climate change; UNHCR (2024) No Escape: On the Frontlines of Climate Change, Conflict and Forced Displacement.

²⁹ Jane McAdam and Tamara Wood, 'Kaldor Centre Principles on Climate Mobility' (Kaldor Centre for International Refugee Law, 2023) specifically 'Principle 1: Support communities to stay safely at home' ('Kaldor Principles'); Global Compact for Safe, Orderly and Regular Migration, GA Res 73/195, UN Doc A/RES/73/195 (11 January 2019, adopted on 19 December 2018) Objective 2 ('GCM').

³⁰ Potential avenues for addressing loss and damage associated with loss of nationality and statelessness include the Fund for Responding to Loss and Damage (Loss and Damage Fund), established at the 27th Conference of the Parties to the UNFCCC (COP27) in 2022, which encompasses displacement and migration within its scope.

³¹ Executive Committee of the High Commissioner's Programme, *Conclusion No. 106 (LVII): Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons No. 106 (LVII) 2006* (6 October 2006) UN Doc A/AC.96/1035.

³² International human rights instruments which uphold the right to a nationality include the UDHR (n 22) article 15; ICCPR (n 22) article 24; CEDAW (n 22) article 9; CRC (n 22) article 7; ICERD (n 22) article 5; CRPD (n 22) article 18; CRPMW (n 22) article 29. The right to nationality is protected in regional instruments including the *American Convention on Human Rights*, opened for signature 22 November 1969, 143 UNTS 1144 (entered into force 18 July 1978) article 20. In both Europe and Africa specific instruments have been drafted to cover the right to nationality being the *European Convention on Nationality*, opened for signature 6 September 1997 ETS No 166 (entered into force 1 March 2000); *Protocol to the African Charter on Human and People's Rights Relating to the Specific Aspect of the Right to a Nationality and the Eradication of Statelessness in Africa*, signed 18 February 2024.

³³ UNHCR, 'Handbook' (n 2) para 53.

³⁴ ICCPR (n 22) article 2; CEDAW (n 22) article 2; CRC (n 22) article 2; ICERD (n 22) article 2; CRPD (n 22) article 5.

³⁵ S Nazrul Islam and John Winkel, *Climate Change and Social Inequality*, UN Department of Economic and Social Affairs Working Paper No 152, UN Doc ST/ESA/2017/DWP/152; UN Women, 'How Gender Inequality and Climate Change Are Interconnected' (2025): <<https://www.unwomen.org/en/articles/explainer/how-gender-inequality-and-climate-change-are-interconnected>>; World Bank, 'Social dimensions of climate change' (2025), <<https://www.worldbank.org/en/topic/social-dimensions-of-climate-change>>.

³⁶ Preambles of the UDHR (n 22) and the ICCPR (n 22). ILC, 'Draft Articles on the Protection of Persons in the Event of Disasters' in *Yearbook of the International Law Commission* (2016) UN Doc A/71/10, article 4; *African Charter of Human and Peoples' Rights*, opened for signature 27 June 1981, 1520, UNTS 217 (entered into force 21 October 1986) article 5. UN Human Rights Committee ('UNHRC'), 'General Comment No.36: Article 6: Right to Life' (3 September 2019) UN Doc CCPR/C/GC/36 ('General Comment No. 36').

³⁷ UNHRC, 'General Comment No.36' (n 36) para 26; UN Committee on Economic, Social and Cultural Rights ('CESCR'), 'General Comment No.12': The Right to Adequate Food (12 March 1999) UN Doc E/C.12/1999/5, para 4; CESCR, 'General Comment No. 15: The Right to Water' (20 January 2003) UN Doc E/C.12/2002/11, para 3; CESCR, 'General Comment No. 14: The Right to the Highest Attainable Standard of Health' (11 August 2000) UN Doc E/C.12/2000/4, paras 1 and 3; CESCR, 'General Comment No. 4: The Right to Adequate Housing' (13 December 1991) UN Doc E/1992/23, para 7; Sarah Joseph, 'Extending the Right to Life Under the International Covenant on Civil and Political Rights: General Comment 36' (2019) 19(2) *Human Rights Law Review* 347; Elizabeth Wicks, 'The Meaning of "Life": Dignity and the Right to Life in International Human Rights Treaties' (2012) 12(2) *Human Rights Law Review* 199.

³⁸ UNHRC, 'General comment No. 36' (n 37) para 54 and 61; UNHRC, 'CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)' (10 March 1992) para 2; Manfred Nowak, 'Challenges to the Absolute Nature of the Prohibition of Torture and Ill-Treatment' (2005) 23(4) *Netherlands Quarterly of Human Rights* 674; Gerrit Zach, 'Definition of Torture' in Manfred Nowak, Moritz

Birk, and Giuliana Monina (eds), *The United Nations Convention Against Torture and its Optional Protocol: A Commentary*, 2nd Edition (Oxford University Press, 2019) 23-71.

³⁹ *Declaration of the United Nations Conference on the Human Environment* (adopted 16 June 1972) (1972) 11 ILM 1416 ('Stockholm Declaration') Principle 24; *Declaration of the United Nations Conference on Environment and Development* (adopted 14 June 1992) (1992) 31 ILM 874 ('Rio Declaration') Principles 7, 27.

⁴⁰ ILC, *Draft Articles on the Protection of Persons in the Event of Disasters* (2016) Preamble, articles 7–8.

⁴¹ *Charter of the United Nations* (entered into force 24 October 1945) 1 UNTS XVI, Articles 1(3), 56, 74.

It is also identified as a key duty that States owe one another under the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States, UNGA Res 2625 (XXV) (24 October 1970).

⁴² *Universal Declaration of Human Rights*, General Assembly resolution 217 A (III) of 10 December 1948, Preamble.

⁴³ Articles 2, 11 and 12 of the *International Covenant on Economic, Social, and Cultural Rights*; Article 4 of the CRC. See also Committee on the Rights of the Child, General Comment No. 26 (2023) on children's rights and the environment, in which the Committee underscored States' extraterritorial responsibilities through international cooperation to mitigate environmental harms that threaten the realization of children's rights.; Article 32 of the *Convention on the Rights of Persons with Disabilities*; and Article 64 – 65 on the International Convention on the Rights of Migrant Workers and Members of their Families.

⁴⁴ *European Convention on Nationality* (1997), Article 23; *Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession* (2006), Article 14; *Brazil Declaration and Plan of Action* (2014); *Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa*, Article 23.

⁴⁵ ILC, *Final Report on Sea-Level Rise*, para 55. See also *Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession* (2006), Article 14; *Brazil Declaration and Plan of Action* (2014).

⁴⁶ ICCPR, Article 25. However, note that this article is limited to the right of nationals.

⁴⁷ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, (1998) UN GA Resolution 53/144.

⁴⁸ *Report of the United Nations High Commissioner for Refugees Part II Global Compact on Refugees*, GA Res 73/12 (Part II), UN GAOR, 73rd sess, Supp No 12, UN Doc A/73/12 (Part II) (17 December 2018).

⁴⁹ Kaldor Centre for International Refugee Law, *An Independent Declaration on the Right of Refugees and Others Experiencing Displacement or Statelessness to Participate in Decisions That Affect Them (with Commentary)* (20 June 2025) <<https://www.unsw.edu.au/content/dam/pdfs/law/kaldor/2025-06-the-right-to-participate-public-consultation-draft-with-commentary.pdf>>. Update once final declaration is published at the end of 2025; See also UNHCR, *Executive Committee of the High Commissioner's Programme: Leveraging Community-Based Protection in Evolving Operational Environments*, 93rd Meeting of the Standing Committee (27 May 2025).

⁵⁰ Expert Group on Refugee, IDP and Statelessness Statistics, *International Recommendations on Statelessness Statistics* (IROSS) (20 January 2023) 27.

⁵¹ UNHCR, Norwegian Refugee Council and PMCS (n 25); UNHCR, 'Handbook' (n 2) 6.

⁵² In UNHCR's *Global Trends: Forced Displacement in 2024* report, approximately half of the world's States are reported as having populations that are stateless or of undetermined nationality, leading to a global estimate of 4.4 million persons. UNHCR acknowledges that this figure is a significant underestimate of the true number of stateless persons globally. UNHCR, *Global Trends: Forced Displacement in 2024* (Report, 2024) 43.

⁵³ Christoph Sperfeldt, 'Statelessness and Governance at the Periphery: "Nomadic" Populations and the Modern State in Thailand, Côte d'Ivoire and Lebanon' in Tendayi Bloom and Lindsey N Kingston (eds), *Statelessness, Governance, and the Problem of Citizenship* (Manchester University Press, 2021) 201–2.

⁵⁴ IROSS (n 50) 61-77.

⁵⁵ A number of scholars have identified how the lack of enactment of SDPs by states hinders the ability of persons rendered stateless in the context of climate change to be protected. Michel Rouleau-Dick, 'Sea Level Rise and Climate Statelessness: From "Too Little, Too Late" to Context-Based Relevance' (2021) 3(2) *Statelessness & Citizenship Review* 287, 295, 302; Jane McAdam, Bruce Burson, Walter Kälin and Sanjula Weerasinghe, *International Law and Sea-Level Rise: Forced Migration and Human Rights* (Fridtjof Nansen Institute, 2016) 36;. See broadly on the value of the establishment of SDPs UNHCR, 'Part Two; Procedures for the Determination of statelessness in UNHCR, 'Handbook' (n 2) 25-44.

⁵⁶ UNHCR 'Handbook' (n 2) 25. A stateless person may simultaneously be a refugee. Where this occurs, it is important that each claim is assessed and that both statelessness and refugee status are explicitly recognised.: at 46.

⁵⁷ According to UNHCR, the 30 States that have established Statelessness Determination Procedures (SDPs) are: Albania, Argentina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, France, Georgia, Hungary, Iceland, Italy, Kazakhstan, Kosovo (under UNSC Res 1244 (1999)), Latvia, Mexico, Moldova, Montenegro, the Netherlands, Panama, Paraguay, Philippines, Portugal, Spain, Türkiye, Turkmenistan, Ukraine, the United Kingdom, and Uruguay. Note: In Albania, Chile, Colombia, Portugal and Turkmenistan, the SDPs are not yet operational. In Côte d'Ivoire and the Netherlands, recognition of statelessness does not automatically result in a residence status or full rights under the 1954 Convention.

⁵⁸ UNHCR, NRC and PMCS (n 25).

⁵⁹ Clifton et al (n 25); Dargin (n 25).

⁶⁰ Such characteristics are protected by a number of international human rights instruments including ICCPR (n 22) article 2; CEDAW (n 22) article 2; CRC (n 22) article 2; ICERD (n 22) article 2; CRPD (n 22) article 5.

⁶¹ Human Rights Watch (n 25).

⁶² Human Rights Committee (HRC), *General Comment No 15: The Position of Aliens under the Covenant* (11 April 1986); Human Rights Committee, *General Comment No 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant* (26 May 2004) UN Doc CCPR/C/21/Rev.1/Add.13; UN Sub-Commission on the Promotion and Protection of Human Rights, Special Rapporteur on the Rights of Non-Citizens, *Final Report* (26 May 2003) UN Doc E/CN.4/Sub.2/2003/23.

⁶³ UNHCR, 'Handbook' (n 2) 47-49.

⁶⁴ Bruce Burson, Walter Kälin and Jane McAdam (n 20) 279; Foster, Hard, Lambert and McAdam (n 24); 'Kaldor Principles' (n 29) Principle 9.

⁶⁵ See generally Foster, Hard, Lambert and McAdam (n 24). The 'Future of the Nationality in the Pacific Report' is one of the first examples of a detailed risk assessment of laws of states in the Pacific to precisely identify risks of statelessness associated with movement of nationals from those States in the context of climate change; See also Ndimurwimo and Jahnig (n 27), who provides an analysis and risk assessment of the laws and policies of three Southern African States (Mozambique, South Africa and Tanzania) and how they may compound or protect against the risk of statelessness in the context of climate change.

⁶⁶ Article 7(6) of the 1961 Convention stipulates that except in specific circumstances that 'a person shall not lose the nationality of a Contracting State, if such loss would render him stateless, notwithstanding that such a loss is not expressly prohibited by any other provisions of this Convention.' *1961 Statelessness Convention* (n 7). Under Article 7(4) of the 1961 Convention, a person may in certain limited circumstances lose nationality such that they would become stateless. Article 7(4) provides that '[a] naturalized person may lose his nationality on account of residence abroad for a period, not less than seven consecutive years, specified by the law of the Contracting State concerned if he fails to declare to the appropriate authority his intention to retain his nationality.' See also, UNHCR Guidelines on Statelessness No. 5: Loss and Deprivation of Nationality under Articles 5-9 of the 1961 Convention on the Reduction of Statelessness (2020) HCR/GS/20/05, para 34; Foster, Hard, Lambert and McAdam (n 24) 17, 23-24; 'Kaldor Principles' (n 29) Principle 9.

⁶⁷ In particular, the principle of non-discrimination which appears in numerous widely ratified international human rights treaties, including Article 26 of the ICCPR, Article 2 of the CRC, Article 9 of the CEDAW and Article 5 of the CERD.

⁶⁸ UNHCR, *Global Action Plan to End Statelessness 2.0* (2 October 2024).

⁶⁹ By 2018, 75% of States permitted dual nationality. Maarten Vink, Gerard-René de Groot and Peter Meerts, 'The International Diffusion of Expatriate Dual Citizenship' (2019) 7 *Migration Studies* 362.

⁷⁰ Peter J Spiro, *At Home in Two Countries: The Past and Future of Dual Citizenship* (NYU Press, 2016) 88.

⁷¹ McAdam, 'Preserving Statehood' (n 18) 25.

⁷² Explanatory Memorandum, Falepili Union Treaty (2024) 2; Lucia Zedner, 'Citizenship Deprivation, Security and Human Rights' (2016) 18(2) *European Journal of Migration and Law* 222; Patrick Wautelet, 'The Next Frontier: Dual Nationality as a Multi-layered Concept' (2018) 65 *Netherlands International Law Review* 391; Lucas Han Van Der Baaren et al, 'Instrumentalising Citizenship: A Global Comparative Analysis of Legislation on Deprivation of Nationality as a Security Measure' (EUI, RSC, Global Governance Programme, GLOBALCIT, Institute on Statelessness and Inclusion, 2022).

⁷³ UNHCR, 'Guidelines on Statelessness No. 4: Ensuring Every Child's Right to Acquire a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness' (21 December 2012) UN Doc HCR/GS/12/04, 12 ('Guidelines on Statelessness No. 4'); UNICEF, 'Guiding Principles for Children on the Move in the Context of Climate Change' (2022) 49-51, see specifically 'Principle 9: Nationality'.

⁷⁴ 1961 Statelessness Convention (n 7) articles 1-4; ICCPR (n 22) article 24; CEDAW (n 22) article 9; CRC (n 22) articles 7, 8; CRPD (n 22) article 18; CPRMW (n 22) article 29.

⁷⁵ CRC (n 22) article 3; UNHCR, 'Guidelines on Statelessness No. 4' (n 66) 3. Committee on the Rights of the Child, 'General Comment No. 14 (2013) on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (art. 3, para. 1)' (29 May 2013) UN Doc CRC/C/GC/14.

⁷⁶ ICCPR (n 22) article 24(2); CRC (n 22) article 7(1).

⁷⁷ There is no international legal definition of 'legal identity', however under the UN's working definition, 'legal identity is defined as the basic characteristics of an individual's identity. e.g. name, sex, place and date of birth conferred through registration and the issuance of a certificate by an authorized civil registration authority following the occurrence of birth. In the absence of birth registration, legal identity may be conferred by a legally recognized identification authority. This system should be linked to the civil registration system to ensure a holistic approach to legal identity from birth to death. Legal identity is retired by the issuance of a death certificate by the civil registration authority upon registration of death.' UN Legal Identity Agenda.

⁷⁸ SDG 16 Now, 'Target 16.9: By 2030 Provide Legal Identity for All, Including Birth Registration' (2025) <<https://sdg16now.org/report/target16-9/>>.

⁷⁹ GCM (n 29) Objective 4.

⁸⁰ GCR (n 15) para 82.

⁸¹ 'Kaldor Principles' (n 29); Eleanor Thomas, 'Disappearing Nations: Youth Statelessness at the Frontline of Climate Change' (Webpage, June 2024) *Environmental Migration Portal*, International Organization for Migration (IOM) <<https://environmentalmigration.iom.int/blogs/disappearing-nations-youth-statelessness-frontline-climate-change>> Tanmoy Bhaduri, *Climate Change: Hungry Tides of the Brahmaputra. The Hindu BusinessLine* (Webpage, October 31 2019) <<https://www.thehindubusinessline.com/blink/shoot/climate-change-hungry-tides-of-the-brahmaputra/article29843657.ece>>; Chandari Sinha, 'Climate Refugees Stripped of Citizenship in Assam', *Dialogue Earth* (Webpage, 8 November 2019) <<https://dialogue.earth/en/climate/climate-refugees-stripped-of-citizenship-in-assam/>>.

⁸² *Falepili Union Treaty* (n 26) between Australia and Tuvalu. For details on the Treaty's developments see Jane McAdam, 'Fresh Details Emerge on Australia's New Climate Migration Visa for Tuvalu Residents', *The Conversation* (Webpage, 10 April 2024) <<https://theconversation.com/fresh-details-emerge-on-australias-new-climate-migration-visa-for-tuvalu-residents-an-expert-explains-254195>>. Jane McAdam, "Disappearing States", Statelessness and Relocation' in *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012).

⁸³ Zoé Briard, 'Australia-Tuvalu Falepili Union Treaty, 9 November 2023: A Groundbreaking Agreement on Climate Mobility? Let's Stay Cautious' (2024) No 2 *Louvain Migration Case Law Commentary*.

⁸⁴ Govil, R., & Gordon, H. (2024). *Inquiry into the Australia-Tuvalu Falepili Union Treaty - Submission to Joint Standing Committee on Treaties*. Peter McMullin Centre on Statelessness; Jane McAdam, 'Submission on the Australia-Tuvalu Falepili Union' (16 April 2024).

⁸⁵ UNHCR, 'Global Action Plan' (n 9) 'Action 1: Resolve Major Situations of Statelessness.'

⁸⁶ UNHCR, 'Handbook' (n 2) 52-53. Foster, Hard, Lambert and McAdam (n 24) 29-30.

⁸⁷ Article 1, UNFCCC.

⁸⁸ UNFCCC, *Loss and Damage Online Guide* (22 March 2024); United Nations Office for Disaster Risk Reduction (UNDRR) and International Science Council (ISC), *UNDRR-ISC Hazard Information Profiles – 2025 Update of the Technical Report* (2025) United Nations Office for Disaster Risk Reduction International Science; United Nations Office for Disaster Risk Reduction (UNDRR), *Technical Guidance on Comprehensive Risk Assessment and Planning in the Context of Climate Change* (2022) contribution to the work of the Technical Expert Group on Comprehensive Risk Management of the UNFCCC Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts.

⁸⁹ Ibid. Building on annotations to the definition of 'hazard' to clarify its application in the context of climate change. See also World Weather Attribution, which conducts scientific attribution studies examining how climate change influences the intensity and likelihood of extreme weather events, and how pre-existing vulnerabilities exacerbate their impacts.

⁹⁰ United Nations Office for Disaster Risk Reduction (UNDRR), *The Sendai Framework Terminology on Disaster Risk Reduction* (2017) 'Disaster'. This terminology endorsed by UN General Assembly Resolution 71/276, *Report of the Open-Ended Intergovernmental Expert Working Group on Indicators and Terminology Relating to Disaster Risk Reduction* (2 February 2017) UN Doc A/RES/71/276.

⁹¹ Office of the Special Adviser on Solutions to Internal Displacement, *IASC–UNSDG Guidance on Solutions to Internal Displacement* (February 2025) prepared in collaboration with members of the United Nations Sustainable Development Group (UNSDG) and the Inter-Agency Standing Committee (IASC).

⁹² Adapted from Commission on Human Rights, *Guiding Principles on Internal Displacement*, UN Doc E/CN.4/1998/53/Add.2 (11 February 1998).

⁹³ United Nations Office for Disaster Risk Reduction (UNDRR), *The Sendai Framework Terminology on Disaster Risk Reduction* (2017) ‘Disaster’. Terminology endorsed by UN General Assembly Resolution 71/276, *Report of the Open-Ended Intergovernmental Expert Working Group on Indicators and Terminology Relating to Disaster Risk Reduction* (2 February 2017) UN Doc A/RES/71/276.

⁹⁴ IPCC, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: A Special Report of Working Groups I and II* (Cambridge University Press, 2012) 582.

⁹⁵ Ibid.

⁹⁶ Intergovernmental Panel on Climate Change, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: A Special Report of Working Groups I and II of the Intergovernmental Panel on Climate Change* (Cambridge University Press, 2012).

⁹⁷ Ibid.

⁹⁸ UNDRR, *The Sendai Framework Terminology on Disaster Risk Reduction* (2017) ‘Disaster’. Terminology endorsed by UN General Assembly Resolution 71/276, *Report of the Open-Ended Intergovernmental Expert Working Group on Indicators and Terminology Relating to Disaster Risk Reduction* (2 February 2017) UN Doc A/RES/71/276.

⁹⁹ Para 14(f) of the Cancun Adaptation Framework, UNFCCC, *Report of the Conference of the Parties on its Sixteenth Session, Cancun, 29 November–10 December 2010* (FCCC/CP/2010/7/Add.1, Decision 1/CP.16).

¹⁰⁰ UN Legal Identity Agenda.

¹⁰¹ IPCC, *Sixth Assessment Report: Working Group II Glossary* and UNFCCC, *Online Guide on Loss and Damage*, while noting that no formal definition exists under UNFCCC processes.

¹⁰² UNFCCC, *Technical Guide on Integrating Human Mobility and Climate Change Linkages into Relevant National Climate Change Planning Processes* (2024).

¹⁰³ UNHCR, ‘Handbook’ (n 2) 57; See also HRC, *General Comment No 27: Freedom of Movement* (2 November 1999) UN Doc CCPR/C/21/Rev.1/Add.9, para 20.

¹⁰⁴ IROSS (n 50).

¹⁰⁵ UNHCR, Brookings Institution, & Georgetown University. (2015). *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation* (UNHCR Report).

¹⁰⁶ UNFCCC, *Technical Paper on Slow-Onset Events* (2012) para 20.

¹⁰⁷ UNFCCC, *Decision 1/CP.16: Cancun Agreements* (2010) UN Doc FCCC/CP/2010/7/Add.1, para 25.

¹⁰⁸ Article 1 of the 1954 Convention Relating to the Status of Stateless Persons defines a stateless person as someone who is ‘not recognised as a national by any State under the operation of its law’. This definition has attained the status of customary international law, and therefore applies to all States, not only those party to the 1954 Convention: 1954 Statelessness Convention (n 2); UNHCR, *Handbook on Protection of Stateless Persons* (n 2) 7.

¹⁰⁹ IPCC, Annex II, in *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, 2022) 289–293.