

REENGINEERING THE STATE IN THE CLIMATE-DIGITAL ERA: INFORMATIONAL SOVEREIGNTY, HUMAN RIGHTS AND THE FUTURE OF DETERRITORIALIZED PEOPLES

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Abstract

The imminent physical disappearance of island states such as Tuvalu (Polynesia), due to rising sea levels, presents an unprecedented challenge to state theory and international human rights law. Territorial submersion threatens to disrupt the classical elements of statehood – people, territory, and sovereignty – while simultaneously fostering digital governance structures aimed at preserving institutional continuity and national identity. This article analyzes the case of Tuvalu as an emerging paradigm of a climate-digital state, whose existence shifts from physical materiality to an informational and institutionally distributed configuration. It examines the international normative vacuum surrounding deterritorialized peoples and the lack of legal recognition for so-called climate refugees. Therefore, unprecedented conceptual and normative frameworks are proposed: the recognition of the Continuous Digital State; the creation of an International Statute for Dispossessed Peoples; and a Permanent Climate Protection Visa. The article argues that reengineering the State in the climate-digital era is not merely a conceptual evolution but a structural imperative to prevent collective

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statelessness and serious human rights violations. Tuvalu emerges as the first laboratory of a new global constitutionalism, demanding urgent and institutionally innovative legal responses.

Keywords

State. Sovereignty. Climate refugees. Digital constitutionalism. Tuvalu.

Summary

1. Introduction. 2. The Collapse of the Territorial Paradigm of the State and the Ontological Crisis of Sovereignty. 3. Climate Migration, Vulnerability, and the International Normative Vacuum. 4. State Continuity and Sovereignty Beyond Territory: Possible Reconfigurations. 5. Beyond Territoriality: Normative Reengineering and International Protection. 6. Final Considerations. References.

I. INTRODUCTION

Rising sea levels threaten to completely submerge the territory of island States such as Tuvalu (Polynesia), Kiribati (Oceania), and the Marshall Islands (Micronesia – North Pacific). The climate crisis extends beyond environmental degradation and ecosystem loss; it destabilizes the very legal and political foundations upon which the modern idea of the State has been constructed. The question that emerges is simple yet profoundly disruptive: what happens to a State when its territory disappears?

Contemporary international law was built upon the assumption of territorial stability. From the consolidation of the Westphalian model to the codification of the criteria for statehood in the Montevideo Convention³, territoriality has been treated as the material condition of sovereignty and international legal personality. The current climate scenario, however, introduces an unprecedented hypothesis: the total loss of territory without the disappearance of the people, national identity, or institutional structures. Territorial submersion does not automatically dissolve culture, collective memory, or the political bond between rulers and ruled; rather, it displaces these elements into new spatial configurations, including digital environments.

In this context, the case of Tuvalu inaugurates a paradigmatic tension. Efforts to preserve institutional continuity through digital environments, combined with the pursuit of international guarantees of state continuity, point toward a reconfiguration of the classical elements of statehood – people, territory, and sovereignty – under the combined pressure of climate change and technological transformation. This is not merely an environmental problem, but a structural crisis in State theory and in the international legal order.

The primary objective of this article is to demonstrate that States threatened by submersion compel a conceptual reengineering

³ Convention on the Rights and Duties of States (adopted 26 December 1933, entered into force 26 December 1934) 165 LNTS 19 (Montevideo Convention).

of statehood capable of articulating international human rights protection, migration law, and the possibility of non-territorial forms of state continuity.

Therefore, empirical data is used to propose new standards in order to guarantee the rights of inhabitants of countries in situations of deterritorialization (deductive method). The methodology employed was bibliographic and documentary review, including books, periodicals, reports, news articles, and academic papers that allow for a critical analysis of the impact of climate change on countries threatened with extinction. Based on the theories of authors such as Celeste (digital constitutionalism), Castells (network society), Agamben (state of exception), Sassen (deterritorialization), and Pedro Garrido Rodríguez (migration and vulnerability), the possibility of the absence of a territorial element in the formation of these nation-states is analyzed, as well as the transfer of this element to other spatialities, including digital ones (network society; digital constitutionalism), as a way to maintain the Human/Fundamental Rights of the people.

Within this framework, Tuvalu's experience should not be understood as a peripheral anomaly, but rather as an anticipation of a global problem that challenges the territorial foundations of the modern State.

Finally, the article proposes a normative reengineering aimed at ensuring international protection of peoples independently of territorial permanence. This involves recognizing the legal continuity of the State regardless of physical territory; guaranteeing protection to displaced nationals and their rights to life, integrity, dignity, and non-

discrimination; and reinterpreting the concept of statelessness in light of the hypothesis of territorial dissolution.

The future of the “a-territorial” State – its culture and values as a nation-State – will depend on the capacity of international law to protect not only borders, but also persons and communities whose political existence cannot be submerged alongside their territory.

2. THE COLLAPSE OF THE TERRITORIAL PARADIGM OF THE STATE AND THE ONTOLOGICAL CRISIS OF SOVEREIGNTY

Classical State theory, consolidated in European modernity, was structured around three constitutive elements considered inseparable: people, territory, and sovereignty. From Jean Bodin, who systematized sovereignty as supreme and indivisible power, to Georg Jellinek, who organized State dogmatics around the triad “*people – territory – sovereign government*,” territory was conceived not merely as a physical element, but as an ontological presupposition of the very existence of the State. Territory was not a simple geographical space; it was the material condition for the validity of the legal order and political authority.

This territorial matrix was consolidated in modern International Law. The Montevideo Convention of 1933, by defining the criteria of statehood – permanent population, defined territory, government, and capacity to enter into relations with other States –

reaffirmed this territorial centrality. Even when international recognition began to assume a decisive political dimension, territoriality remained a structuring element of international legal personality.

However, the twenty-first century imposes an unprecedented tension upon this model. The intensification of climate change – with rising sea levels, soil salinization, and the progressive uninhabitability of certain island spaces – projects a scenario in which the physical disappearance of State territory ceases to be a theoretical hypothesis and becomes a concrete risk. The case of Tuvalu – a small Pacific island State whose average elevation does not exceed a few meters above sea level – constitutes the paradigmatic expression of this crisis⁴. The real possibility of total territorial submersion raises a question that transcends the environmental sphere: what happens to the State when its territory ceases to exist?

The traditional response of International Law does not offer a satisfactory solution. Classical doctrine presupposes territorial permanence as a condition for State continuity. The total loss of territory, within this framework, would imply the dissolution of statehood or, at the very least, a legally indeterminate situation. An ontological crisis of sovereignty thus emerges: if sovereignty is

⁴ By 2050, more than half of the country will be covered by the sea. See: <https://www.publico.pt/2025/06/12/azul/noticia/metade-tuvalu-podera-estar-submersa-2050-2136450>. Accessed February 25, 2026.

exercised over a territory, how does it subsist when that territory disappears? And, more profoundly, if the State is conceived as a legally ordered entity territorially delimited, how can its legal identity be maintained without physical space?

The issue is not merely formal. It directly affects the condition of nationals. The bond of nationality presupposes the existence of a State capable of exercising diplomatic protection, issuing documents, ensuring political rights, and representing its citizens at the international level. Territorial dissolution places at risk not only sovereignty, but the very “right to have rights,” in Hannah Arendt’s classical expression (1951). The problem is not merely migratory; it is structural. It concerns the possible emergence of populations whose legal condition does not fully fit within the category of traditional refugees, nor that of economic migrants, nor even within the classical category of stateless persons. These are individuals linked to a State that may continue to be legally recognized, but whose territorial materiality ceases to exist.

At this point, the insufficiency of the contemporary international normative architecture becomes evident. The 1951 Convention relating to the Status of Refugees⁵ was conceived on the basis of individualized persecution and political rupture, not the physical uninhabitability of State territory. Collective climate

⁵ Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137.

displacement does not automatically fall within the conventional definition of a refugee. Although doctrine has advocated evolutionary interpretations, a normative vacuum remains regarding the specific protection of populations displaced by the total territorial loss of their State.

The crisis, however, is not only normative; it is paradigmatic. Digital globalization and the consolidation of the network society, described by Manuel Castells (2020), had already relativized territorial centrality as the exclusive space for the exercise of power. Informational networks, financial flows, and digital environments have challenged the coincidence between physical space and political authority. The emergence of initiatives aimed at “state digitalization” – such as Tuvalu’s strategy to preserve its identity and institutional presence in virtual environments – reveals an attempt to reconstruct State continuity on non-territorial foundations. This is not technological fiction, but a political response to imminent physical dissolution.

This movement, however, places fundamental categories of Public Law under tension. Informational or functional sovereignty does not automatically replace territorial sovereignty. International recognition continues to be structured around territorially defined States. The possibility of a deterritorialized State (Sassen, 2012; 2016), whose legal personality subsists on the basis of international recognition and institutional continuity, challenges the silent presuppositions of the Westphalian system. The very idea of

jurisdiction, traditionally associated with physical space, demands reconfiguration.

Tuvalu, in this sense, does not represent an isolated exception, but an anticipatory laboratory of a possible future for other island nations and vulnerable coastal regions. Territorial disappearance, once a remote hypothesis, becomes part of the horizon of International Law. State theory, constructed upon the presupposition of geographical stability, is confronted by an environmental dynamic that dissolves its material foundations.

The central problem, therefore, does not lie merely in how to protect climate migrants, but in how to rethink the relationship between people, territory, and sovereignty when territory ceases to be a permanent condition of State existence. The climate crisis thus becomes a conceptual crisis of the modern State itself.

3. CLIMATE MIGRATION, VULNERABILITY, AND THE INTERNATIONAL NORMATIVE VACUUM

The territorial disappearance of a State does not constitute merely a problem of sovereignty; it produces a structural humanitarian crisis. The physical loss of territory implies potentially permanent population displacement, a redefinition of the bond of nationality, and exposure to multiple legal vulnerabilities. Unlike economic migration or flows resulting from political persecution, climate-related displacement associated with territorial submersion

calls into question the very normative architecture of the international protection system.

The 1951 Convention relating to the Status of Refugees⁶ was designed to respond to contexts of individualized persecution based on race, religion, nationality, membership of a particular social group, or political opinion. The progressive and irreversible environmental destruction of State territory does not, in strict terms, fall within this definition. Although part of the doctrine supports evolutionary interpretations capable of encompassing certain situations of environmental displacement, the formal recognition of the category of “climate refugee” remains absent. This gap becomes even more dramatic when displacement is not episodic, but definitive, as in the case of a State whose territory becomes physically uninhabitable or disappears.

Contemporary migration literature has emphasized that human mobility in the twenty-first century can no longer be understood solely through classical categories of voluntariness or coercion. Pedro Garrido Rodríguez (2020) observes that contemporary displacements combine structural factors – economic, environmental, and political – that challenge the rigid typology of traditional international law. In the case of States threatened by submersion, displacement is not the result of isolated individual decision, but the

⁶ Refugee Convention (n 4).

systemic consequence of a global environmental transformation whose responsibility is unevenly distributed among States.

The Global Compact for Safe, Orderly and Regular Migration⁷, adopted by the United Nations General Assembly in 2018, expressly recognizes climate change as a relevant factor in human mobility. However, the document has a programmatic and non-binding nature, creating no specific legal obligations regarding admission, resettlement, or recognition of special status for populations displaced by extreme climate events or progressive environmental degradation. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003)⁸, in turn, establishes relevant guarantees concerning labor rights and protection against discrimination, but presupposes that the migrant remains within the category of worker in a context of economic mobility, not addressing the hypothesis of collective displacement resulting from the territorial unviability of the State of origin.

The tension becomes even more acute when considering the right to return to one's own country, provided for in Article 12(4) of

⁷ UN General Assembly, Global Compact for Safe, Orderly and Regular Migration, UN Doc A/RES/73/195 (19 December 2018).

⁸ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 18 December 1990, entered into force 1 July 2003) 2220 UNTS 3.

the International Covenant on Civil and Political Rights⁹. Such a right presupposes the material existence of State territory as a space of reintegration. When territory ceases to exist, the right of return becomes a legally hollow promise. The norm remains, but its object disappears. A structural contradiction thus emerges between the formal persistence of nationality and the factual impossibility of exercising rights associated with territory.

In this context, Hannah Arendt's (1951) reflection on the "right to have rights" acquires renewed relevance. For Arendt, the loss of political belonging to an organized community is equivalent to the loss of legal protection itself. The risk faced by populations of submerged States is not merely geographic displacement, but the weakening of the institutional bond that ensures international protection. Although formal nationality may subsist, the absence of territory and population dispersion may undermine the effective capacity to exercise political rights and democratic participation.

The possibility of collective statelessness emerges in this scenario not necessarily as formal loss of nationality, but as functional erosion of State protection. The 1954 Convention relating to the Status of Stateless Persons¹⁰ and the 1961 Convention on the Reduction of

⁹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 12(4).

¹⁰ Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117.

Statelessness¹¹ were structured to address individual situations of absence of nationality, not the hypothesis of physical disappearance of the territory of a recognized State. The distinction between *de jure* and *de facto* statelessness becomes insufficient in a context in which the State may continue to be legally recognized, yet deprived of its territorial base.

Moreover, the climate crisis that drives such displacement cannot be analyzed separately from the principle of common but differentiated responsibilities¹², enshrined in the international environmental regime. States that are major greenhouse gas emitters do not generally face the risk of territorial disappearance, while small island nations bear disproportionate impacts. Climate mobility, therefore, is not a neutral phenomenon; it is shaped by historical and structural inequalities that challenge the formal neutrality of the international migration system.

The absence of a specific legal category for populations displaced by the territorial loss of their State reveals not only a normative gap, but a paradigmatic limitation. International law was conceived to regulate relations among territorially stable States and to

¹¹ Convention on the Reduction of Statelessness (adopted 30 August 1961, entered into force 13 December 1975) 989 UNTS 175.

¹² United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107. Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UN Doc FCCC/CP/2015/10/Add.1.

protect individuals against political persecution, not to confront the physical collapse of State space itself. The emergence of definitive displacement resulting from territorial submersion thus requires a deeper revision of existing categories, articulating international protection, State continuity, and recognition of new forms of political belonging.

Climate migration associated with the disappearance of States cannot be treated merely as an additional migratory flow. It is a phenomenon that challenges the historical correspondence between territory and citizenship. By relocating entire populations into foreign spaces, the climate crisis calls into question the assumption that political rights and international protection are necessarily tied to fixed geography. The question that arises is not only how to receive climate migrants, but how to preserve the dignity, collective identity, and capacity for self-determination of peoples whose territory ceases to exist.

4. STATE CONTINUITY AND SOVEREIGNTY BEYOND TERRITORY: POSSIBLE RECONFIGURATIONS

If territorial submersion does not automatically imply the disappearance of the people, national identity, or political institutions, the question arises as to the possibility of State continuity on non-territorial bases. Classical theory conceives sovereignty as supreme power exercised over a delimited territory. However, international

practice itself demonstrates that statehood is not exhausted in the physical dimension of space. International recognition, the maintenance of an organized government, and the capacity to establish external legal relations play an equally decisive role in preserving international legal personality.

The history of International Law records experiences of governments in exile, States whose territorial occupation did not extinguish their legal personality, and entities whose continuity was ensured through persistent diplomatic recognition. These precedents indicate that territoriality, although central, is not absolutely static. The territorial element has always been articulated with political recognition by other States. The climate crisis merely radicalizes this tension, shifting it from a context of temporary occupation to the unprecedented hypothesis of permanent physical disappearance.

In this scenario, the proposal of institutional digitalization presented by Tuvalu – including the creation of virtual representations of territory, digital archives of national culture, and strategies for governmental preservation in informational environments – should not be interpreted as a merely symbolic gesture. It expresses an attempt to maintain identity and institutional continuity even in the face of material territorial erosion. However, virtualization does not automatically replace the legal basis of sovereignty. Digital infrastructure may preserve memory and administrative functioning, but international legal personality depends on recognition by other States and on a normative framework that allows for the maintenance of international rights and obligations.

The network society described by Manuel Castells (2020) reveals that the exercise of power is no longer confined to physical space. Digital networks, informational flows, and transnational structures have relativized territorial centrality in the production of authority and governance. Contemporary sovereignty, in many respects, also operates in an informational dimension. Nevertheless, this transformation does not eliminate the role of territory as a structuring criterion of State organization; it places it under tension. The emergence of States threatened by submersion compels direct confrontation with this tension.

The hypothesis of a deterritorialized State (Sassen, 2012; 2016) raises unprecedented legal challenges: could a State maintain its seat in international organizations without physical territory? Could it preserve its maritime exclusive economic zone after the loss of land territory? Could it continue issuing passports and exercising diplomatic protection? The answer to these questions is not expressly provided for in existing treaties but depends on interpretative construction and future international practice.

Conceptual reengineering of statehood, therefore, does not mean denying the historical importance of territory, but recognizing that State continuity may increasingly depend on functional and relational elements. Sovereignty, in this context, ceases to be conceived exclusively as spatial dominion and begins to incorporate institutional and informational dimensions. This constitutes a paradigmatic shift that requires revision of the silent presuppositions of the international system.

At the same time, it is necessary to avoid a purely technological solution that obscures the human dimension of the crisis. Institutional virtualization does not, by itself, resolve the situation of displaced nationals. The preservation of digital identity does not replace access to social, political, and economic rights in host States (Kent Law Review, 2025). State continuity will only have legal relevance if articulated with concrete guarantees of protection for citizens, including through international agreements ensuring residence, political participation, and recognition of nationality (Kent Law Review, 2025).

The possibility of non-territorial continuity of statehood thus requires a dual movement: on the one hand, the maintenance of international recognition of the legal personality of the threatened State; on the other, the construction of legal arrangements that allow its nationals to exercise rights in foreign territories without implying the dissolution of their political identity. The climate crisis therefore imposes not merely a humanitarian solution, but a structural reformulation of the bond between territory, sovereignty, and citizenship.

Tuvalu does not represent futuristic fiction, but a limit-case experience that anticipates inevitable debates for International Law. The formal persistence of sovereignty without physical territory challenges consolidated categories and demands hermeneutic openness. Territorial disappearance, once unthinkable, becomes a concrete possibility, and the international system must respond to this

new reality without sacrificing the protection of human dignity and the self-determination of peoples.

In this context, the contemporary debate on digital constitutionalism offers relevant instruments to understand the ongoing transformation and to propose responses to this new condition. Digital constitutionalism (Celeste, 2022) is not limited to the regulation of platforms or the protection of personal data; it represents a theoretical effort to rethink the normative structure of power in informational environments, recognizing that digital architecture has come to mediate political relations, the exercise of authority, and democratic participation.

For Edoardo Celeste (2022), constitutionalism today, in addition to seeking “to guarantee the protection of fundamental rights and the balance of power within a given legal order through constitutional law,” also “provides the guiding ideals, values, and principles to restore a state of constitutional balance.” In this context, “digital constitutionalism” seeks to adapt “existing constitutional values and principles to the peculiarities of contemporary digital society,” insofar as it brings within its framework values and principles capable of permeating, guiding, and informing the constitutionalization of the virtual environment. In this sense, the constitutionalization of the digital environment may be understood as a “process of producing normative countermeasures vis-à-vis the alteration of the relative balance of the constitutional ecosystem produced by digital technology,” involving both a constitutional dimension (within nation-States) and a transnational dimension

(including other actors), which may be considered “state-centric” and/or trans-state instruments. In other words, digital constitutionalism expands the classical foundations of State legitimacy and allows part of the elements composing nation-States to be relocated to the informational environment.

The case of Tuvalu exemplifies this thesis. The digital State is not a futuristic allegory – it is an institutional experiment already underway, based on *informational sovereignty* (control over digital infrastructures and national data); *virtualized institutions* (registries, assemblies, archives, education); *political continuity at a distance* (remote elections, digital parliament); and *preserved national identity* (memory, language, symbols). Thus, territory ceases to be geography and becomes function. The State persists as institutional capacity, not as physical space.

Contemporary institutional structures already operate, to a large extent, through digital infrastructures that organize civil registries, electoral systems, governmental communication, and administrative management. Digitalization does not constitute mere technological support, but a structuring element of governance.

If traditional sovereignty presupposed territorial dominion, contemporary sovereignty begins to incorporate an informational dimension. This does not mean replacing territory with the network but recognizing that State authority is also exercised through digital systems capable of preserving institutional identity, normative memory, and administrative continuity. In extreme situations, such as

the threat of territorial disappearance, this informational dimension may become a central element of State survival.

The hypothesis of a post-territorial State should not be understood as a negation of territory, but as a relational reconfiguration of statehood. What is displaced is not only the population, but the very axis of institutional support. State continuity could simultaneously rely on persistent international recognition, the maintenance of organized government – even if operating in diaspora – and digital infrastructure capable of ensuring records, documentation, political participation, and the exercise of normative authority. Physical territory would cease to be the sole material basis of sovereignty, giving way to a functional and institutional configuration of State personality.

However, this reconfiguration does not eliminate profound tensions. Digital constitutionalism (Celeste, 2022) must be understood in light of its democratic limits. Digital infrastructures depend on transnational networks, private companies, and platforms whose governance is not fully subject to State control. Informational sovereignty is, to a large extent, shared and vulnerable. A deterritorialized State (Sassen, 2012; 2016) could see its institutional functioning conditioned by technological structures located in other countries, thereby reintroducing asymmetric dependencies. The reengineering of statehood, therefore, cannot ignore the power relations that permeate digital space.

Moreover, institutional virtualization does not, by itself, resolve the material dimension of citizenship. Social rights, access to

public services, and economic integration depend on concrete insertion within host territories. Digital constitutionalism may preserve legal identity and normative continuity, but it does not replace the need for international agreements guaranteeing residence, social protection, and political recognition to displaced nationals. The post-territorial State, if it comes into existence, will necessarily be hybrid: sustained by international recognition, digital institutional structures, and multilateral legal arrangements that allow its citizens to exercise rights in foreign spaces without dissolution of their collective identity.

The emergence of this hypothesis reveals that the climate crisis not only displaces populations but compels International Law to reconsider its ontological presuppositions. Statehood ceases to be conceived exclusively as territorial projection and begins to be understood as a relational, institutional, and informational structure. Digital constitutionalism, in this sense, does not constitute a definitive solution, but an indispensable conceptual instrument for understanding the ways in which sovereignty may survive the physical erosion of territory.

5. BEYOND TERRITORIALITY: NORMATIVE REENGINEERING AND INTERNATIONAL PROTECTION

The normative reengineering proposed here may be organized around three structural axes: (i) recognition of the Continuous Digital

State; (ii) the development of an International Statute for Deterritorialized Peoples; and (iii) the creation of a Permanent Climate Protection Visa.

The hypothesis of the territorial disappearance of a State cannot be addressed solely through traditional categories of migration law or through isolated administrative solutions. It requires normative reconfiguration capable of articulating State continuity, international human rights protection, and global climate responsibility. By affecting the material basis of statehood, the climate crisis imposes upon International Law an unprecedented task: to preserve the dignity and self-determination of peoples whose territory ceases to exist.

The first axis of this reengineering involves recognition of the legal continuity of the State independently of physical territorial permanence. International practice demonstrates that State legal personality may subsist in exceptional situations of temporary loss of territorial control. The radicalization of this scenario, with the permanent loss of territory, will require interpretative construction that privileges the human and institutional elements of statehood. Sovereignty, in this context, must be understood as a political and legal relationship sustained by international recognition and governmental continuity, rather than exclusively as spatial dominion.

The second axis concerns the protection of displaced nationals. The absence of a specific legal category for populations affected by territorial submersion cannot result in normative invisibility. Even if

the 1951 Convention¹³ does not explicitly encompass climate displacement, a systematic interpretation of the international human rights regime requires that such individuals not be left at the margins of international protection. The rights to life, integrity, dignity, and non-discrimination remain applicable regardless of the cause of displacement. The lack of formal classification as “refugees” does not exempt the international community from ensuring effective protection.

In this sense, the articulation between the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the commitments undertaken within the framework of the Global Compact for Migration¹⁴ must be interpreted in light of a broader obligation of international cooperation. Climate displacement resulting from territorial loss is not an isolated event, but the consequence of a global dynamic whose responsibility is asymmetrically shared. The principle of common but differentiated responsibilities, developed within the climate regime, cannot remain dissociated from the migration debate.

The third dimension of normative reengineering concerns the risk of functional or collective statelessness. Even if formal nationality

¹³ Refugee Convention (n 4).

¹⁴ UN General Assembly, Global Compact for Safe, Orderly and Regular Migration, UN Doc A/RES/73/195 (19 December 2018).

is preserved, the impossibility of fully exercising political and civil rights due to territorial dispersion may weaken the effectiveness of the State bond. Protection against statelessness, traditionally conceived for individual situations, must be reinterpreted in light of the hypothesis of territorial dissolution. The legal continuity of the State must be accompanied by mechanisms ensuring valid documentation, diplomatic representation, and political participation for its nationals, even when exercised from diasporic contexts.

Furthermore, specific multilateral agreements may become necessary to guarantee permanent residence, access to social rights, and economic integration in host States without implying the loss of original political identity. The self-determination of peoples¹⁵, a structuring principle of International Law, cannot be emptied by geographic disappearance. The preservation of collective identity and political decision-making capacity must form part of any future legal solution.

The reengineering of statehood imposed by the climate crisis thus requires overcoming a strictly territorial paradigm without abandoning the centrality of human dignity. State continuity, international protection, and multilateral cooperation must converge to prevent geographic submersion from becoming normative exclusion.

¹⁵ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 1(2).

Tuvalu is not merely a victim of an environmental process; it is a catalyst for conceptual transformation. By confronting International Law with the possibility of a deterritorialized State (Sassen, 2012; 2016), the climate crisis reveals the need to reconstruct consolidated categories without abandoning their ethical foundations. The challenge is not to abolish territory as an element of statehood, but to recognize that its material erosion cannot entail the erosion of human dignity or the dissolution of the political community.

6. FINAL CONSIDERATIONS

The hypothesis of the territorial disappearance of a State, once situated in the realm of theoretical abstraction, has become a concrete possibility in light of the intensification of climate change. The experience of Tuvalu does not constitute a peripheral anomaly, but rather a sign of structural rupture in the way International Law conceives statehood. The classical triad “*people – territory – sovereignty*,” consolidated in modernity, reveals itself to be under tension in a reality in which territory may cease to exist without the disappearance of the people.

The material collapse of State space exposes profound insufficiencies within the international legal system. The refugee regime was designed to respond to individualized political persecution, not to collective displacement resulting from the physical unviability of territory. Protection against statelessness was structured

for individual situations of absence of nationality, not for the functional erosion of statehood. The right to return to one's own country, enshrined in the International Covenant on Civil and Political Rights, presupposes territorial existence that may become non-existent. The international normative architecture, constructed upon assumptions of geographical stability, now confronts a hypothesis that challenges its ontological foundations.

At the same time, the climate crisis reveals that sovereignty cannot be understood exclusively as spatial dominion. International practice demonstrates that recognition, institutional continuity, and relational capacity play a central role in preserving the legal personality of the State. The emergence of digital constitutionalism and the increasing centrality of informational infrastructures indicate that political authority already operates in dimensions that transcend physical geography. The hypothesis of a State whose continuity depends on international recognition, institutional structures operating in diaspora, and digital infrastructure is not mere futuristic speculation, but a possible response to an extreme scenario.

However, institutional virtualization does not replace the material dimension of citizenship. Human dignity, the self-determination of peoples, and the "right to have rights" require concrete guarantees of protection, political participation, and access to social rights in host territories. The conceptual reengineering of statehood must be accompanied by normative reconfiguration capable of articulating State continuity, international protection, and

differentiated climate responsibility. The physical disappearance of territory cannot be converted into the legal invisibility of the people.

By threatening the territorial foundation of the modern State, the climate crisis imposes upon International Law a task that transcends migratory management: it requires reconstruction of its fundamental categories. The challenge is not to abandon the centrality of territory, but to recognize that its material erosion cannot imply the dissolution of the political community nor the denial of human dignity. The experience of Tuvalu anticipates an inevitable debate: how can the legal existence of a people be preserved when the land that sustains it disappears?

Answering this question entails shifting the axis of statehood from exclusive physical dominion to a relational, institutional, and human-centered understanding of sovereignty. This study helps to highlight the vacuum in legal frameworks, as well as proposing alternatives, since the future of the State, under climate pressure, will depend on the capacity of International Law to protect not only borders, but also people and communities whose political existence cannot be submerged along with their territory.

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