

Migration with Dignity or Statelessness by Design?: A Closer look at the curious case of Kiribati

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[Climate Change Immigration and Asylum Rights of refugees Territorial Integrity Kiribati](#)
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With regions across the globe experiencing its effect in different forms, climate change has reached every nook and corner of the world. While some regions experience hotter summers, others witness unusually heavy rainfalls. However, the small developing island states ('SIDS') are exposed to one of the most ruthless impacts of climate change. With fast-rising sea levels, SIDS anticipate being rendered uninhabitable. In this regard, in 2014, Kiribati's government had proposed the concept of "[migration with dignity](#)." Over the years, this concept has been recognised as a [moral and strategic response](#). The proposal included a proactive strategy of purchasing land abroad, [notably in Fiji](#), to relocate Kiribati's population while preserving national identity and autonomy. However, this approach is fraught with legal, economic, and political challenges. This blog post examines the concept of territorial integrity, contending that the Kiribatian approach to migration could lead to a *threefold* crisis. The authors note that this model could expose the fragility of international refugee law, the inadequacy of state recognition theory, and the geopolitical risks of shared sovereignty.

*First, the [principle of non-refoulement](#), a cornerstone of refugee protection, becomes paradoxical when host states lack the capacity to ensure dignified living conditions. Refugees may be admitted but could potentially be confined to substandard environments, reducing protection to mere containment. Kiribati's land acquisition strategy, while innovative, assumes economic capacity and political stability, excluding vulnerable populations and offering no guarantee of permanent acceptance or legal protection. This could potentially lead to forcing people to become *de facto* refugees in other states. While new bilateral pathways like [Australia's Pacific Engagement Visa](#) and [New Zealand's Pacific Access Category Resident](#)*

[Visa](#) have emerged, they are limited in scale and do not provide the comprehensive protection of a formal refugee framework. These programs are in essence labour migration schemes; they offer permanent residency through a ballot-based system with an annual cap. They are not framed to solve the humanitarian crisis; they do not provide a refugee status. Consequently, they fail to address the issue of climate-induced displacement of a population, instead offering a piecemeal solution and leaving the most vulnerable behind.

Second, the vision of shared sovereignty, where Kiribati maintains governance within another state's borders destabilises the [Montevideo Convention's](#) criteria for statehood. [Article 1](#) of the Convention provides that the state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states. Applying this to Kiribati's case reveals that while Kiribati has a permanent population this population would be physically dispersed across other nations challenging the idea of "permanence" of its citizenry. The "defined territory" would be lost to the sea. The government's authority would become abstract without a territorial base. This scenario shows how climate change directly affects the very foundations of Westphalian statehood. The recent shift in Kiribati's strategy from establishing sovereign enclaves on [purchased land in Fiji](#) to [investing in domestic sea walls](#) highlights the profound theoretical and practical challenges to statehood posed by the potential loss of sovereign territory, especially in the absence of clear frameworks within private international law.

Finally, this inter-territorial decentralisation risks future conflict between enclave residents and host communities, with jurisdictional ambiguities complicating the classification of disputes as internal or international. Due to this jurisdictional grey zone, tensions could erupt over resource allocation such as water rights, or if enclave residents are perceived as receiving preferential treatment, which may fuel resentment against them. Moreover, the absence of a robust legal hierarchy between the Kiribatian delegated authority and the host state's ultimate sovereignty would become fresh ground for conflicts which the existing international law is not adequately equipped to deal with.

Overall, the broader issue is that the current international legal framework, built on fixed borders, exclusive sovereignty, and nation-bound citizenship, is ill-equipped to handle climate-induced statelessness. Kiribati's case reveals that both individual protections under refugee law and national strategies for dignified migration fall short of ensuring holistic dignity and autonomy.

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