

Climate Displacement in the ICJ's Advisory Opinion: Recognised but not Resolved

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I. Introduction: How the ICJ Addressed Climate Displacement

The ICJ's Advisory Opinion of 23 July 2025 is momentous, confirming that States owe binding obligations in respect of climate change under customary international law and treaty law, across environmental, human rights, and UNCLOS frameworks.¹ These duties apply individually, and collectively through cooperation, with particular regard to States especially affected by climate change, such as Small Island Developing States (SIDS) facing sea-level rise.² That said, as this chapter contends, the Court's treatment is limited and peripheral when it comes to addressing legal obligations for displacement arising from climate impacts.³

The Court recognises that sea-level rise threatens the territorial integrity of SIDS and low-lying coastal States, implicating their permanent sovereignty over natural resources and loss of territory.⁴ The Court further notes that forced displacement, both internal and cross-border, is among the adverse impacts of climate change in this context. Here, the Court references the *Ioane Teitiota* case, acknowledging in principle that displacement may trigger the principle of non-refoulement under Article 6 of the International Covenant on Civil and Political Rights (ICCPR), where return would expose an individual to a real risk of irreparable harm to the right to

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1 ICJ, *Obligations of States in respect of Climate Change*, Advisory Opinion of 23 July 2025, (hereinafter, the 'ICJ Opinion').

2 A full list of SIDS can be found here: <https://www.un.org/ohrrls/content/list-sids>.

3 See also, Lena Riemer, 'A Single Paragraph's Promise: The ICJ's Advisory Opinion on Climate Change and the Understated Question of Human Displacement', *Verfassungsblog*, 26 July 2025.

4 ICJ, *Obligations of States in respect of Climate Change* (n. 1), paras. 357, 363.

life, signalling the relevance of human rights norms in addressing climate displacement.⁵

However, beyond this brief recognition, the Court does not specify the legal consequences for countries of origin and host States in relation to displacement. While the Court addresses other duties such as the duty to cooperate, aspects of state responsibility and loss and damage in relation to climate change elsewhere in the opinion, these are not explicitly connected to the need to prevent or respond to displacement arising in such contexts, which might have been relevant. As a result, climate displacement as a *systemic, foreseeable, and politically urgent* phenomenon remains unresolved and underdeveloped in the Court's reasoning. In this regard, Judge Aurescu, in his Separate Opinion, characterises the Court's analysis of non-refoulement as 'incomplete', suggesting that it could have been strengthened by addressing the positive obligations of States to take proactive measures to prevent refoulement and to ensure that the rights of displaced persons in host countries are protected and fulfilled.⁶

Empirically, displacement is integral to the climate conversation. The IOM notes climate-related migration is an autonomous and spontaneous adaptation tool for communities confronting slow-onset and sudden-onset climatic hazards compounded by food insecurity.⁷ The IDMC also notes how climate change has driven more frequent hazards causing displacement, while also observing that more than three-quarters of people internally displaced by conflict and violence at the end of 2024 were living in countries with high or very high vulnerability to climate change.⁸

Against this background, this chapter focuses on how climate displacement fits within the ICJ Opinion's scope and what the ICJ Opinion leaves open. As the IPCC observes, climate displacement will disproportionately

5 ICJ, *Obligations of States in respect of Climate Change* (n. 1), para. 378.

6 Separate Opinion of Judge Aurescu, *Obligations of States in Respect of Climate Change*, Advisory Opinion of 23 July 2025, paras. 25–26.

7 Pablo Escribano and Diego Pons Gandini, 'Climate change, food insecurity and human mobility: Interlinkages, evidence and action' in: Marie McAuliffe and Linda Adhiambo Oucho (eds), *World Migration Report 2024* (International Organization for Migration 2024), 198–219 (2027), available at: <https://publications.iom.int/books/world-migration-report-2024>.

8 Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2025 (GRID)* (Geneva: IDMC, 13 May 2025), 13.

affect Pacific SIDS,⁹ as displacement would be an unavoidable consequence of sea-level rise causing the loss of habitable land, flooding, crop destruction, and salt water encroachment.¹⁰ The following sections offer some initial reflections on key areas relevant for cross-border climate displacement that merit deeper engagement.

II. Displacement Framed as Peripheral

The Court frames displacement, primarily, as a consequence of the adverse effects of climate change, including extreme weather events, sea-level rise, land degradation, coastal erosion, ocean acidification, and glacial retreat.¹¹ As recorded by the Court, these impacts are leading to displacement of affected persons and further threatening food insecurity, water scarcity, loss of livelihoods, and hindering efforts toward poverty eradication and sustainable development. In the context of SIDS and low-lying coastal States, the Court links sea-level rise to both internal and cross-border displacement, alongside the erosion of territorial integrity and permanent sovereignty over natural resources.¹²

While the Court establishes a nexus between displacement and climate change, it does not recognise climate displacement as a distinct legal phenomenon situated within the broader ecosystem of international migration law, comprising various bodies of laws, principles and norms that together regulate migration.¹³ As one of many drivers of internal and cross-border movement, climate change raises complex questions of legal status and entitlement to international protection, requiring engagement with multiple legal regimes. These include the 1951 Refugee Convention and its 1967 Protocol, which addresses refugee protection to people fleeing a well-founded fear of persecution arising from one of the five specific grounds of race,

9 Intergovernmental Panel on Climate Change (IPCC), 'Summary for Policymakers' in: Valérie Masson-Delmotte et al. (eds), *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the IPCC* (Cambridge University Press 2021), 3–32 (sec. A.1.5); Solomon Islands, Written Statement, in: ICJ, *Obligations of States in respect of Climate Change* (Request for Advisory Opinion), 22 March 2024, Doc. 187–20240322-WRI-30–00-EN, para. 218.

10 IPCC (n. 9)

11 ICJ, *Obligations of States in respect of Climate Change* (n. 1), preambular para. 7.

12 ICJ, *Obligations of States in respect of Climate Change* (n. 1), para. 357.

13 International Organization for Migration (IOM), *Glossary on Migration* (International Migration Law No. 34), (Geneva: IOM 2019), 113.

religion, nationality, membership of social group, or political opinion.¹⁴ Climate impacts, by themselves, generally do not satisfy this definition unless there is a nexus to persecution on one of the above grounds.¹⁵ Protection rooted in international human rights law, also referred to as complementary or subsidiary protection frameworks, can prohibit return when there is a real risk of irreparable harm, engaging instruments such as the ICCPR,¹⁶ CAT,¹⁷ and CRC¹⁸ for child-specific assessments.

Regional instruments such as the OAU Convention, 1969 and the Cartagena Declaration, 1984 extend protection beyond the 1951 Refugee Convention.¹⁹ The OAU Convention, in Article I(2), covers persons compelled to leave owing to ‘events seriously disturbing public order’, which has been interpreted as potentially including situations arising from natural disasters or environmental degradation.²⁰ Similarly, the Cartagena Declaration recommends a broader regional definition encompassing those whose lives, safety, or freedom are threatened by generalized violence, massive violations of human rights, or ‘other circumstances which have seriously disturbed public order’.²¹ In practice, several Latin American States have

- 14 *Convention relating to the Status of Refugees*, 28 July 1951, 189 UNTS 137, (entered into force 22 April 1954), Art. 1A(2).
- 15 David Cantor, Bruce Burson, Brian Aycock, Nikolas Feith Tan, Thekli Anastasiou, Emily Arnold-Fernandez, Carla Field, Cleo Hansen-Lohrey, Walter Kälin, Gillian Kane, Steve Miron, Malavika Rao, Beatriz Sánchez Mojica, Chiara Scissa, Sanjula Weerasinghe and Tamara Wood, ‘International Protection, Disasters and Climate Change’, *IJRL* 36 (2024), 176–197.
- 16 *International Covenant on Civil and Political Rights (ICCPR)*, 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976), Arts. 6 and 7.
- 17 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*, 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987), Art. 3.
- 18 *Convention on the Rights of the Child (CRC)*, 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), Arts. 6 and 3.
- 19 UNHCR Executive Committee, *Persons covered by the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and by the Cartagena Declaration on Refugees* (Submitted by the African Group and the Latin American Group), EC/1992/SCP/CRP.6, 6 April 1992.
- 20 *Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention)*, 10 September 1969, 1001 UNTS 45, (entered into force 20 June 1974).
- 21 *Cartagena Declaration on Refugees*, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, Cartagena de Indias, Colombia, 22 November 1984, reprinted in *Annual Report of the Inter-American Commission on Human Rights 1984–1985*, OEA/Ser.L/V/II.66, doc. 10, rev. 1, 190–193; available at: OAS PDF and UNHCR.

applied this Cartagena formula in disaster contexts, for example in relation to displacement following the 2010 Haiti earthquake.²² While soft law instruments such as the Nansen Initiative²³ or initiatives such as the Platform on Disaster Displacement²⁴ are not binding, they nonetheless influence practice by guiding the admission, stay, planned relocation, and cooperation in cross-border displacement in disaster and climate contexts.

Therefore, determining legal protection for persons fleeing contexts involving climate change as a driver requires a nuanced legal analysis that considers causation and risk in individual cases and interpretation of the above instruments in light of such harm. In its absence, the treatment of displacement, such as in the ICJ's Opinion, remains peripheral.

III. States' Claims pertaining to Climate Displacement before the ICJ

Several States, in their written and oral submissions to the ICJ, presented climate displacement as a pressing and multifaceted issue, a context that frames the background against which the ICJ Opinion was delivered. Vanuatu argued that reparations include not only monetary compensation but also restitution and non-monetary forms of redress for displacement-related harms.²⁵ Kiribati highlighted that there need to be remedies and redress for loss and damage specifically in relation to climate-induced mobility,²⁶ also noting the gendered dimensions of climate displacement, noting that nearly 80 % of those displaced are women and children.²⁷ Tuvalu, in its submission, drew attention to the destruction of coastal infrastructure

22 David James Cantor, *Cross-border Displacement, Climate Change and Disasters: Latin America and the Caribbean* (UNHCR 2018), 18.

23 *The Nansen Initiative, Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change*, Volume I: Protection Agenda (2015), available at: https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_low_res.pdf.

24 *Platform on Disaster Displacement (PDD)*, *Strategy 2024–2030* (14 December 2023).

25 Vanuatu, Written Statement, in: ICJ, *Obligations of States in respect of Climate Change* (Request for Advisory Opinion), 21 March 2024, Doc. 187–20240321-WRI-06–00-EN, para. 8.

26 Kiribati, Written Comments, in: ICJ, *Obligations of States in respect of Climate Change* (Request for Advisory Opinion), 22 March 2024, Doc. 187–20240815-WRI-04–00-EN, para. 21.

27 Kiribati, Written Statement, in: ICJ, *Obligations of States in respect of Climate Change* (Request for Advisory Opinion), 22 March 2024, Doc. 187–20240322-WRI-13–00-EN, para. 81.

caused by extreme weather events, referencing Tropical Cyclone Pam in 2015, which displaced nearly half its population.²⁸ Likewise, for Bangladesh, climate displacement poses an incremental threat of loss and damage, placing strain on its capacity to finance adaptation measures.²⁹

In its written statement and during the oral hearings, Solomon Islands stressed that five of its islands were already lost due to sea-level rise, while also noting that relocation threatens its customary land ownership system and risks social strife and conflict in the country.³⁰ It urged the Court to read the questions through the entire corpus of international law, including States' obligations under the Paris Agreement, human rights law and refugee law, and the CBDR principle.³¹ On cross-border climate displacement, it urged the Court that the principle of non-refoulement ought to be read in relation to persons fleeing climate change, especially in line with the regional standard of 'disruption of public order' contained in the Cartagena Declaration on Refugees, 1984.³² The submission also situated these claims in the lived experiences of the displaced i-Kiribati people living on Vaghen (Wagina) Island in Choiseul Province of Solomon Islands since the 1930s, who are currently facing further threats of displacement from sea-level rise. Solomon Islands also submitted that the Court must interpret the obligations under UNCLOS to protect the marine environment as taking measures to mitigate pollution of the marine environment, including protecting coastal communities reliant on the habitat and ocean ecosystems for their livelihoods.³³

In the above submissions, displacement has been portrayed beyond the aspect of physical relocation, as a profound loss of place, property, identity, and culture, exacerbating socio-economic deprivations and disrupting

28 Tuvalu, Written Statement, in: ICJ, Obligations of States in respect of Climate Change (Request for Advisory Opinion), 22 March 2024, Doc. 187-20240322-WRI-05-00-EN, para. 42.

29 Bangladesh, Written Statement, in: ICJ, Obligations of States in respect of Climate Change (Request for Advisory Opinion), 25 March 2024, Doc. 187-20240325-WRI-01-00-EN, para. 69.

30 Earth Negotiations Bulletin, 'Summary of the International Court of Justice Hearings on States' Obligations in Respect of Climate Change: 2-13 December 2024' (16 December 2024), p. 13, available at: <https://enb.iisd.org/sites/default/files/2024-12/icj10e.pdf>.

31 Earth Negotiations Bulletin (n. 30).

32 Earth Negotiations Bulletin (n. 30).

33 Solomon Islands, Written Statement (n. 9), paras. 220-224.

access to basic resources such as food, housing, etc.³⁴ Yet, the Court's reasoning fails to capture the full gravity of climate displacement as a systemic and existential threat warranting legal protections, particularly for the most vulnerable States.

IV. Teitiota and the Limits of Non-Refoulement

With its reference to *Ioane Teitiota v New Zealand*, the Court reiterates the UN Human Rights Committee's finding on the application of the principle of non-refoulement, recognising that the effects of climate change may, in certain circumstances, trigger obligations under Article 6 of the ICCPR.³⁵ The *Teitiota* case concerned a Kiribati national who sought asylum in New Zealand, asserting that he faced an imminent risk to life from climate change and sea-level rise, which had forced him to migrate to New Zealand. After the New Zealand courts denied his claim, Mr. Teitiota filed a communication with the UN Human Rights Committee.³⁶ The HRC dismissed the communication on its merits, however noting that, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realised.³⁷ While referencing *Teitiota*, the ICJ could have engaged more fully with the legal uncertainties that *Teitiota* has generated, particularly the contested question of whether the applicable standard for protection requires a risk that is 'imminent.' As Foster and McAdam have argued, while the threshold remains one of 'real risk,' the framing in *Teitiota* has led to confusion and inconsistent interpretations of the standard over time.³⁸ This clarification could be especially critical for SIDS, where climate impacts such as sea-level rise and the degradation of arable land unfold gradually but are nonetheless serious

34 For example, Solomon Islands, Written Statement (n. 9), para. 225.

35 ICJ, *Obligations of States in respect of Climate Change* (n. 1), para 378.

36 High Court: *Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment*, [2013] NZHC 3125 (26 Nov 2013); Court of Appeal: *Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment*, [2014] NZCA 173 (8 May 2014); IPT: *AF (Kiribati)*, [2013] NZIPT 800413 (25 June 2013).

37 UN Human Rights Committee, *Ioane Teitiota v New Zealand*, Views adopted 24 Oct 2019 (pub. 7 Jan 2020), CCPR/C/127/D/2728/2016, para. 9.11.

38 Michelle Foster and Jane McAdam, 'Analysis of "Imminence" in International Protection Claims: *Teitiota v New Zealand* and Beyond', ICLQ 71 (2022), 975–982.

and foreseeable. In alignment, the HRC General Comment 36 recognised that foreseeable threats and life-threatening situations can engage Article 6 without requiring imminence or actual loss of life.³⁹

More broadly, the principle of non-refoulement, while integral to international protection, is only one step among a range of protections in addressing climate displacement. As an individualised and reactive safeguard, it applies at the point of return and offers no durable solutions or preventive protection for communities at risk. Judge Aurescu observes some of the other aspects of protection in his Separate Opinion, stating that the Court might have clarified how the principle of non-refoulement could be complemented by obligations such as the duty to conduct individualised risk assessments, obligation of admission, issuance of temporary visas, planned relocation, etc.⁴⁰ Thus, the ICJ Opinion leaves open key questions about how persons facing cross-border displacement can be protected under international law.

V. Missing Connections to Displacement: Statelessness, International Cooperation and Loss and Damage

The ICJ Opinion affirms a range of obligations on States to protect the climate system and to uphold the rights of present and future generations. However, it does not engage directly with how these obligations apply to the issue of displacement. There are at least three areas, such as statelessness, international cooperation, and loss and damage, where such a connection is relevant but insufficiently addressed.

1. Statelessness

The Court rightly affirms that the disappearance of territory due to sea-level rise does not necessarily lead to the loss of statehood, thereby supporting the continuity of statehood and maritime entitlements.⁴¹ However, the Court does not address the fate of displaced populations from such territo-

39 UN Human Rights Committee, 'General comment No. 36, Article 6 (Right to Life)', CCPR/C/GC/36, 3 September 2019, para. 7.

40 Separate Opinion of Judge Aurescu (n. 6), para. 26.

41 ICJ, *Obligations of States in respect of Climate Change* (n. 1), paras 355–365.

ries, who may no longer reside within the physical territory of their State. This is an important gap, particularly for some SIDS, where the risk of entire communities being forced to relocate raises urgent questions regarding nationality, how they might access their rights, and the prevention of statelessness. While the Court acknowledges the link between sea-level rise and the right of self-determination, it does not clarify how this right will be realised for persons who might be territorially detached from their State. A useful example here is the Australia-Tuvalu Falepili Union Treaty, which both recognises Tuvalu's continuing statehood and sovereignty notwithstanding the impact of sea-level rise, and creates a special human mobility pathway enabling citizens of Tuvalu to live, study and work in Australia with access to Australian education, health, income and family support on arrival, thus linking preservation of statehood to pathways of residency.⁴²

2. International Cooperation

Likewise, the Court affirms that the duty to cooperate is a self-standing rule of customary international law, grounded in the United Nations Charter and widely reflected in treaties and declarations.⁴³ It upholds the importance of coordinated international action to prevent significant harm and to protect the global environment. In the context of climate change, this responsibility is further informed by the principle of common but differentiated responsibilities and respective capabilities, which highlight how burdens to prevent, finance and technically assist affected countries are allocated. Yet the ICJ Opinion does not indicate how this duty might function in response to climate displacement. By contrast, instruments such as the New York Declaration for Refugees and Migrants, 2016⁴⁴ and the Global Compact for Migration, 2018⁴⁵ stress that international cooperation,

42 Government of Australia and Government of Tuvalu, *Australia-Tuvalu Falepili Union* (Rarotonga, 9 November 2023; in force 28 August 2024), [2024] ATS 10, Art. 2 para. 2 lit. (b) and Art. 3.

43 ICJ, *Obligations of States in respect of Climate Change* (n. 1), paras. 140–142.

44 UN General Assembly, *New York Declaration for Refugees and Migrants*, UN Doc A/RES/71/1 (3 Oct 2016) paras. 7, 11, 24, 28, 38, 40, 58, 62, 68.

45 UN General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, GA Res 73/195 (19 December 2018), UN Doc A/RES/73/195, Annex paras. 7, 8, 11, 15 (Guiding principles: 'International cooperation'), 42–43; Objective 23 (chapeau para. 39).

through capacity-building, financial support and responsibility-sharing, is essential in responding to migration.

3. Loss and Damage

In relation to loss and damage, the Court confirms that Article 8 of the Paris Agreement provides a basis for cooperative support, while noting that it does not establish liability or compensation.⁴⁶ This interpretation aligns with the approach taken in previous COP decisions, but leaves unresolved the question of how displacement is to be addressed. Displacement is increasingly recognised as a form of non-economic loss within the loss and damage framework by the UNFCCC, linking it to the loss of habitability from a lack of security, livelihood, health and well-being, triggered by climate change.⁴⁷ Moreover, the Warsaw International Mechanism for Loss and Damage includes a dedicated Task Force on Displacement to enhance cooperation and facilitation in relation to human mobility, migration and planned relocation.⁴⁸ Nonetheless, the Court offers limited guidance on how this framework might evolve to address the irreversible consequences of climate displacement.

VI. *The IACtHR on Climate Displacement: A Comparison*

By comparison, the Advisory Opinion of the Inter-American Court on Human Rights (IACtHR) of May 2025 on the climate emergency and human rights treats climate-related human mobility as an independent rights question under Article 22 of the American Convention on Human Rights, which addresses freedom of movement and residence.⁴⁹ It articulates duties

46 ICJ, *Obligations of States in respect of Climate Change* (n. 1), paras. 414–420.

47 United Nations Framework Convention on Climate Change (UNFCCC), *Non-Economic Losses – Featuring loss of territory and habitability, ecosystem services and biodiversity, and cultural heritage* (Technical paper, 2024), 13, available at: https://unfccc.int/sites/default/files/resource/nels_paper_2024.pdf.

48 International Organization for Migration (IOM), Environmental Migration Portal, ‘Task Force on Displacement’, available at: <https://environmentalmigration.iom.int/task-force-displacement>.

49 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights*, 29 May 2025, AO-32/25, paras. 414–417.

of States in this regard, including on family unity and specific safeguards for children,⁵⁰ to legislate and govern planned relocations through adequate human rights framework that assigns institutional responsibilities and provides comprehensive reparations for affected persons,⁵¹ to enable safe and regular cross-border mobility,⁵² to create admission categories such as humanitarian visas, temporary residence, or refugee-analogous protection, to secure non-refoulement,⁵³ and to provide consular and humanitarian assistance within a cooperation mandate. Importantly, the IACtHR situates human mobility within its broader remedial and cooperation framework, referencing loss and damage financing and urging dedicated funds to manage climate mobility⁵⁴. It reviews Article 8 of the Paris Agreement, the Warsaw International Mechanism and the new Loss and Damage Fund,⁵⁵ and urges the operationalisation of international funds so vulnerable countries can cope with human mobility generated by climate change.⁵⁶ Thus, the IACtHR goes further in developing a rights-based blueprint for climate displacement that States can implement, both to prevent and as long-term solutions.⁵⁷ However, like the ICJ's Opinion, the IACtHR does not substantially elaborate beyond the non-refoulement standard in *Ioane Teitiota*, which it cites in this context.⁵⁸

50 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), paras. 428, 434.

51 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), paras. 428, 434.

IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), paras. 425–429.

52 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 432.

53 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 433.

54 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 432.

55 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), paras. 199–201.

56 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 431.

57 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 433.

58 IACtHR, *Advisory Opinion on Climate Emergency and Human Rights* (n. 49), para. 433, fn. 734.

VII. Conclusion

It is no doubt that the ICJ's Opinion on climate change clearly marks a landmark development in clarifying the legal obligations of States and the legal consequences arising from climate change under international law. While displacement was not the sole focus of the Opinion, the reasons outlined above demonstrate how a closer engagement with this issue would have strengthened the Court's contribution to shaping a comprehensive legal response that better protects the rights of persons displaced by climate change. Moreover, as legal protections for such persons are being progressively developed, clarifying the law at this juncture would have been especially valuable. At the same time, the Court's recognition of human rights dimensions of climate change may also be read as a judicial opening, one that implicitly invites international and regional human rights treaty bodies and national courts to interpret and apply existing protections more expansively in response to climate displacement.