



Many Countries, Including the Maldives, May Disappear from the Map

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Why in news?

Shocking! Maldives and 9 other countries that could vanish sooner than you think

The situation of countries sinking into the ocean is a serious issue, especially for small island nations such as Tuvalu, Kiribati, the Maldives and the Marshall Islands, which are affected by rising sea levels due to climate change.

What does international law say about this?

- According to the Montevideo Convention (1933), the definition of a state includes population, territory, government and the capacity to enter into international relations.
- However, recent developments show that rising sea levels do not automatically terminate statehood.



1. What will happen to statehood?

- In international law, the principle of continuity of statehood is strong. The ILC's 2025 final report stated that statehood is not terminated due to sea-level rise caused by climate change, even if land is submerged.
- This is based on the right to preserve the existence of a state.
- The ICJ's advisory opinion in July 2025 emphasized obligations regarding climate change and recognized the existential threat to small islands, but did not provide for termination of statehood.
- This opinion acknowledges a shift in state practice.

Example: Even in failed states like Somalia, where no effective government exists, statehood continues. Similarly, for sinking nations, the ILC report emphasizes preventing injustice.

2. Will borders disappear or not?

- Land boundaries may be affected, but maritime zones can be preserved. The ILC report noted that even if baselines shift due to sea-level rise, maritime boundaries can remain fixed.
- The Pacific Islands Forum's 2021 declaration affirmed the preservation of maritime zones despite rising sea levels, based on UNCLOS principles.

Example: The *Falepili Union Treaty* between Australia and Tuvalu permanently recognizes Tuvalu's maritime zones despite sea-level rise, and also provides migration pathways.

- These boundaries are crucial for fisheries, mineral resources, and navigation, and there is no rule in international law that automatically erases them.

3. Will identity vanish or survive?

- With statehood preserved, national identity, citizenship, UN membership, and sovereignty also remain protected.
- According to the ILC and ICJ, rising sea levels do not affect people's will or right to self-determination.
- Declarations from the Pacific Islands Forum and AOSIS (Alliance of Small Island States) affirm that the sea cannot erase nations or peoples; identity is linked to people.
- Countries like Tuvalu are attempting to create "digital nations" by digitizing their culture and government so that their identity survives even after displacement.
- However, if all elements completely vanish, some legal uncertainty may remain, though current trends lean toward protection.

Montevideo Convention (1933): Convention on the Rights and Duties of States

- The Montevideo Convention, officially known as the "*Montevideo Convention on the Rights and Duties of States*," was signed on **26 December 1933** in Montevideo, Uruguay, during the Seventh International Conference of American States.
- It entered into force on **26 December 1934** and was registered in the League of Nations Treaty Series on **8 January 1936**.
- Although primarily concerning the countries of the American continent, the Convention is considered an important document in international law for the definition and recognition of statehood.

Purpose and Significance

- The Convention codifies existing norms of international law and provides criteria for defining statehood.
- It is based on the **declarative theory**, according to which the existence of a state does not depend on its recognition by other states.
- This particularly facilitated the recognition of former colonies or countries with limited sovereignty.
- In the modern context, it is relevant for maintaining the statehood of climate-change-affected sinking islands (such as Tuvalu), although the Convention itself does not explicitly mention climate change.

Definition of a State (Statehood Criteria)

Article 1 of the Convention defines a state as a person of international law. A state must have the following four essential elements:

1. **Permanent Population** – There must be a stable population.
2. **Defined Territory** – There must be a specific territory.
3. **Government** – There must be an effective government.
4. **Capacity to Enter into Relations with Other States** – Ability to participate in international relations.

Independence and sovereignty are not explicitly mentioned but are implied.

Important Articles on Recognition of States

- **Article 3:** The political existence of a state is independent of recognition by other states. Even before recognition, a state can exercise its rights under international law. This supports the **declarative theory**, as opposed to the **constitutive theory**, in which recognition is necessary.
- **Article 11:** Prohibits acquiring sovereignty by the use of military force. Any territorial gain or advantage obtained through coercion—whether by arms, threats, or coercive diplomacy—must not be recognized.

Summary of Key Articles

Article	Main Provision
Article 1	Four main characteristics of a state: population, territory, government and capacity for international relations.
Article 3	Existence of a state is independent of recognition.
Article 11	Prohibition on recognition of territorial gains acquired by force.

The Convention contains **16 articles in total**, covering issues such as equality of states, non-intervention, and peaceful settlement of disputes.

Signatories and Parties

- **Signatories (1933):** 20 countries signed on 26 December 1933, including **Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, the United States, Venezuela**, etc. Brazil, Peru, and the United States signed with certain reservations.
- **Parties:** As of November 2021, 17 countries had ratified the Convention, including **Brazil, Chile, Colombia, Costa Rica (by accession), Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, the United States, and Venezuela**. Ratification dates range from 1934 to 2018.