



## A Legal Study on the Effects of War on Climate Change and the Role of Territory in State Formation

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### Abstract

This study examined the role of state sovereignty, territorial rights, and the legal analysis of territory in the context of climate change, war, and state-building. The aim was to analyze the role of the legal analysis of territory on states and to clarify the problems of international recognition. The methodology included literature review, semi-structured interviews with 20 professors of law and political science at Public University, Nangarhar. According to the findings, territory is considered the most important foundation of state legitimacy and international recognition. In particular, climate change poses an existential threat to some island states, for which the existing international legal framework does not provide a clear mechanism for resolving it. That territory is vital to state legitimacy, sovereignty, and international recognition, and climate change and war pose challenges to the implementation of rights. The conclusion was the international legal framework needs to be modernized, practical mechanisms for securing territorial sovereignty should be established, and broader academic perspectives are recommended for future research.

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### Introduction

States see the possession and maintenance of territory as the most important basis for independence and sovereignty. Territory is not only a determining element of a state's geographical boundaries, but also a basis for legitimacy and legal recognition in the field of international relations. According to contemporary principles of international law, territorial sovereignty is considered a fundamental principle for the territorial integrity, independence, and prevention of foreign interference of a state. In recent decades, the effects of climate change, such as rising sea levels, depletion of natural resources, and habitat destruction, have created new challenges to the stability of territorial sovereignty and the settlement of people. In addition, wars and War have played an important role in the processes of land division, border changes, and the emergence of new states. In state-building processes, territory is an element without which the existence of a state cannot find legal and practical legitimacy. The value and importance of the topic is evident from the fact that the legal analysis of territory is not only as a geographical area, but also fundamental to the identity, political independence and stability of international relations. Researching the legal analysis of territory in the light of climate change, war and state-building can provide new perspectives for the study of international law, politics and peace. Although the principles of international law regarding the legal role of territory are clear, there are still large gaps in the study of the effects of territorial sovereignty and territorial rights in the context of climate change, war and state-building. Rising sea levels, depletion of natural resources and displacement of people due to war have created serious threats to the geographical stability and legitimacy of states. In addition, the processes of new state-building are directly related to the problems of the legal role of territory, because without territory, a state cannot be recognized under international law. Therefore, it is essential to clarify the need for a thorough legal and political study of the importance of territory in contemporary international politics and law.

### State Sovereignty and Territorial Rights Theory

State sovereignty is a fundamental principle of international law that sets the standard for the independence, territorial integrity, and international legal recognition of a state (Tintor, 2024) <sup>[23]</sup>. According to this theory, every state has the full authority to organize the people, natural resources, and political structures within its territory (Lyubushkin, 2022) <sup>[16]</sup>. Accordingly, the concept of territorial rights is used to mean the ownership of territory, the protection of borders, and the rejection of interference by foreign powers (Simonov, 2025) <sup>[22]</sup>. The relationship between sovereignty and territorial rights is such that territory is considered the practical sphere of sovereignty; that is, without geographical boundaries, state independence remains only a theoretical concept, not a practical reality (Shkabaro, 2024) <sup>[21]</sup>. According to international treaties such as the UN Charter (1945) and the Vienna Convention (1969), the territorial integrity of states is considered an inviolable principle (Labin & Qimeng, 2024) <sup>[15]</sup>.

When examining the legal role of territory in the context of climate change, war, and state-building processes, the theory of state sovereignty and territorial rights provides a fundamental framework for this analysis (Simonov, 2025) <sup>[22]</sup>. Climate change threatens the territorial integrity of some states (such as the Maldives and Kiribati), raising serious legal questions about the sustainability of sovereignty (Iqbal, 2025) <sup>[12]</sup>. War, in turn, leads to the division of territory and the violation of territorial sovereignty, such as the war between Russia and Ukraine, which poses a major challenge to the principles of international law (Vuniqu, 2019) <sup>[27]</sup>. Similarly, the process of new state-building is not possible without the legal recognition of territory, since territory is considered a necessary condition for the existence of a state (Angell, 2021) <sup>[3]</sup>. State sovereignty and territorial rights are one of the fundamental principles of international law, which are of fundamental importance for international peace, security, and the legitimacy of states (Vieira, 2025) <sup>[26]</sup>. The basis for these principles is found in the Charter of the United Nations (1945), in particular: Article 2(1): All States have the right to equal sovereignty as Members of the United Nations (United Nations, 1945) <sup>[24]</sup>. Article 2(4): No State shall use force or aggression to undermine the territorial integrity or political independence of any other State (United Nations, 1945) <sup>[24]</sup>. Article 1(1): The primary purpose of the United Nations is to maintain international peace and security (United Nations, 1945) <sup>[24]</sup>.

According to these principles, Russia's annexation of Crimea is a clear violation of international law against the territorial integrity of Ukraine (Kubalskiy, 2017) <sup>[14]</sup>. The Montevideo Convention (1933) for the recognition of a state provides for three conditions: people, government, and territory (Angell, 2021) <sup>[3]</sup>. According to this convention, territory is an indispensable condition for the legitimacy of a state (Iqbal, 2025) <sup>[12]</sup>. The case of Palestine shows that although there is a people and a government, the lack of full control over the territory is an obstacle to international recognition (Jurkevics, 2023) <sup>[13]</sup>. The loss of land due to climate change is a new challenge for international law (Akhtar, 2024) <sup>[1]</sup>. The United Nations Convention on the Law of the Sea provides a framework for territorial and economic rights, but does not provide a clear mechanism for the full sovereignty of island states (Crawford & Baetens, 2023) <sup>[9]</sup>. According to Lyubushkin (2022) <sup>[16]</sup>, international law must provide new mechanisms for the rights and sovereignty of states in the

context of climate change.

In the field of war and border disputes, the Hague Conventions (1907, 1949) contain rules for the protection of borders, people and territory in times of war (Blanchard, 2016) <sup>[7]</sup>. In particular: Article 17 of the Universal Declaration of Human Rights (UDHR, 1948) guarantees the right of everyone to property and the right to a place of their own life (United Nations, 1948) <sup>[25]</sup>. The United Nations Laws of Civil and Foreign Wars (Geneva Conventions, 1949) contain principles for the protection of people, property and territory in times of war (Blocher & Gulati, 2021) <sup>[8]</sup>. Under international treaties and judicial decisions, states are obliged to take measures to protect their borders, and international organizations are required to mediate to prevent force and aggression (Bauder & Mueller, 2023) <sup>[5]</sup>. For example, the International Court of Justice (ICJ) has affirmed the importance of protecting state sovereignty and territorial rights in various cases, such as Nicaragua vs. United States (1986) and the Palestine-Israel war.

### Climate Change and the Challenges of Sovereignty

Climate change is considered one of the greatest challenges to international politics, law, and the survival of human life today (Akhtar, 2024) <sup>[1]</sup>. In international law literature, a state is recognized as having three fundamental elements: territory, people, and government (Angell, 2021) <sup>[3]</sup>. Of these three, territory is the element without which the existence of a state cannot be imagined (Rothe *et al.*, 2024) <sup>[19]</sup>. The theory of state sovereignty and territorial rights also emphasizes the principle that the practical form of sovereignty exists only when a state has a certain geographical area (Marinov, 2024; Gonda *et al.*, 2024) <sup>[17, 10]</sup>. However, climate change has seriously threatened this fundamental principle. Rising sea levels pose a threat to the existence of island states located in low-lying areas. For example, the countries of Kiribati, Maldives and Tuvalu face the prospect of their entire territories being submerged in the ocean within the next few decades (Rayfuse & Crawford, 2012) <sup>[18]</sup>. If these countries were to lose their territory entirely, the question under international law would be how their sovereignty would continue? Would they be able to retain their membership in the United Nations?

This is a major gap in the application of territorial rights theory (Aronczyk, 2024) <sup>[4]</sup>. This theory states that territory is a fundamental element of the legal existence of a state, but there is no clear mechanism in the current framework of international law to address the question of what happens to a state's sovereignty and territorial rights when it loses its territory (Crawford & Baetens, 2023) <sup>[9]</sup>. The UN Charter recognizes the territorial integrity of states and the inviolability of borders, but it does not specify how the legal survival of states can be guaranteed in the event of the loss of territory due to natural causes (Jurkevics, 2022) <sup>[13]</sup>. Some practical proposals have been made, such as the concept of a "migratory state", according to which a nation can retain its legal identity even if its territory is physically destroyed. However, this concept has not yet emerged as an accepted principle in international law. In addition, efforts by some states to ensure the survival of states through the acquisition of new territories have also raised debates, but this issue faces resistance in international politics, as the transfer of territory is associated with difficult legal and political complexities of sovereignty.

Climate change has also had a profound impact on the

concept of international sovereignty (Akhtar, 2024) <sup>[1]</sup>. The traditional theory of sovereignty is based on the principle of absolute power, that is, the state has complete authority over all affairs within its territory (Vieira, 2025) <sup>[26]</sup>. However, when the consequences of climate change led to the forced displacement of people from a region and the geographical disappearance of the state, the legitimacy of this absolute power is questioned (Tintor, 2024) <sup>[23]</sup>. For example, if the people of Kiribati were to migrate to other countries, on what legal principles would their political sovereignty be ensured? All this shows that climate change is not just a natural or environmental crisis, but also an intellectual challenge to the fundamental theories of international law and politics (Simonov, 2025) <sup>[22]</sup>. The theory of state sovereignty and territorial rights clearly emphasize the need to have territory, but the contemporary situation shows the need to revisit this theory and create new legal frameworks (Shkabaro, 2024) <sup>[21]</sup>. Ultimately, the question remains open as to what solution international law will provide for the survival of the sovereignty of countries that lose their territory due to climate change (Rothe *et al.*, 2024) <sup>[19]</sup>.

### War, Territorial Violations, and International Law

State sovereignty and territorial rights are considered fundamental principles of the contemporary international system (Rayfuse & Crawford, 2012) <sup>[18]</sup>. According to the Westphalia system, the legitimacy of a state's sovereignty is linked to respect for its geographical boundaries and territorial integrity (Marinov, 2024) <sup>[17]</sup>. For this reason, under international law, a state's territory is considered sacred and no other state has the right to occupy or annex it (Labin & Qimeng, 2024) <sup>[15]</sup>. However, these principles are largely challenged in the field of war (Kubalskiy, 2017) <sup>[14]</sup>. War not only causes human casualties and economic devastation, but also is a clear example of the breakdown of territorial rights, since the principle of sovereignty is subject to force and violence (Jurkevics, 2022) <sup>[13]</sup>. In this regard, the annexation of Crimea by Russia in 2014 is considered a major violation of international law (Iqbal, 2025) <sup>[12]</sup>. The United Nations Charter explicitly protects the principle of territorial integrity and prohibits any act of taking territory by force (United Nations, 1945) <sup>[24]</sup>. In the case of the occupation of Ukrainian territory and the unilateral annexation of Crimea, not only the sovereignty of Ukraine was called into question, but also the credibility of the international system was damaged (Gonda *et al.*, 2023) <sup>[10]</sup>. This incident shows that when great powers act for their own political and strategic interests, the principles of international law become ineffective in practice (Akhtar & Niazi, 2025) <sup>[2]</sup>.

Applying the theory of state sovereignty and territorial rights here, it becomes clear that territorial integrity is vital for the survival and international legitimacy of a state (Crawford & Baetens, 2023) <sup>[9]</sup>. The concept of sovereignty of a state does not only mean political authority, but also independent geographical control (Blocher & Gulati, 2021) <sup>[8]</sup>. When the territory of a state comes under the control of another power, then in fact the fundamental principle of its sovereignty has been attacked (Blanchard, 2016) <sup>[7]</sup>. Violation of these principles leads to instability in international relations and a threat to international peace (Biersteker, 2013) <sup>[6]</sup>. From an analytical perspective, war and territorial violations are a clear sign of the war between international law and political realities (Bauder & Mueller, 2023) <sup>[5]</sup>. In theory, international law guarantees the territorial integrity of states, but in

practice, great powers violate these principles for their own geopolitical purposes (Aronczyk, 2024) <sup>[4]</sup>. This situation casts a shadow over the legitimacy of the international system and creates a crisis of confidence in international principles (Angell, 2021) <sup>[3]</sup>. As a result, war is the greatest challenge to the territorial rights and sovereignty of states (Akhtar & Niazi, 2025) <sup>[2]</sup>. The case of Crimea is a clear example of how vulnerable the principles of international law are to political realities (Vuniqui, 2019) <sup>[27]</sup>. If the international system is to remain effective for peace and stability, it is necessary to ensure the practical implementation of the principles of sovereignty and territorial rights and to provide a real and effective response to the seizure of territory by force (Akhtar, 2024) <sup>[1]</sup>.

### State-Building and Territorial Legitimacy

State-building is one of the most important discussions of the legal role of territory in international law and political theory (Vieira, 2025) <sup>[26]</sup>. The Montevideo Convention (1933) provides three basic conditions for the recognition of a state: people, government, and territory (Tintor, 2024) <sup>[23]</sup>. Without these three conditions, a state cannot gain its legitimacy in the light of the international legal order (Simonov, 2025) <sup>[22]</sup>. In particular, territory is a fundamental element that is an inseparable condition for the sovereignty, independence, and international recognition of a state (Shkabaro, 2024) <sup>[21]</sup>. The existence of people and government alone is not sufficient, because the legal definition of a state is dependent on the existence of territory (Rothe *et al.*, 2024) <sup>[19]</sup>. Territory is the legal basis of state-building (Rayfuse & Crawford, 2012) <sup>[18]</sup>. Only when a state has acquired the right to rule and govern within its geographical boundaries can it be considered sovereign in the full sense (Marinov, 2024) <sup>[17]</sup>. The theory of sovereignty and territorial rights also emphasizes that the legitimacy of a state depends on the existence of independent territorial control (Lyubushkin, 2022) <sup>[16]</sup>. In this framework, territory is not only a physical geographical concept, but also serves as a basis for international relations and legal legitimacy.

The case of Palestine provides a profound discussion in this regard (Labin & Qimeng, 2024) <sup>[15]</sup>. Palestine has a people and a form of government, but its full territorial sovereignty is not assured (Kubalskiy, 2017) <sup>[14]</sup>. Due to the Israeli occupation, Palestine does not have full control over most of its territory, which creates problems in terms of international recognition (Jurkevics, 2022) <sup>[13]</sup>. Most states recognize Palestine as an independent state, but its lack of full membership in the United Nations and the policy of non-recognition by some Western powers show how vital the issue of territory is in the legal definition of statehood (Iqbal, 2025) <sup>[12]</sup>. If we apply the theory of state sovereignty and territorial rights to this discussion, it becomes clear that territory is the most important principle in determining the level of state sovereignty and legitimacy (Gonda *et al.*, 2023) <sup>[10]</sup>. A state is considered fully legitimate when it has the right to sovereign control over its territory and is able to protect its geographical boundaries in accordance with international principles (Crawford & Baetens, 2023) <sup>[9]</sup>. The lack of or incomplete control over territory weakens the process of state formation and creates an obstacle to the process of international recognition (Blocher & Gulati, 2021) <sup>[8]</sup>. Analytically, territorial legitimacy is not only essential from the perspective of international law, but also plays a vital role in political stability and identity (Blanchard, 2016) <sup>[7]</sup>.

Territory is considered the main arena for the exercise of national identity, the right to self-determination, and sovereignty for people (Biersteker, 2013) <sup>[6]</sup>. Without territory, the theory of sovereignty remains only theoretical and abstract (Bauder & Mueller, 2023) <sup>[5]</sup>. Therefore, territory is the most important element in the process of state formation for its survival, international status, and political legitimacy (Aronczyk, 2024) <sup>[4]</sup>. In conclusion, it can be said that the relationship between state formation and territorial legitimacy has a fundamental place in the theory of international law (Angell, 2021) <sup>[3]</sup>. The Palestinian case clearly shows that the existence of a people and a government is not sufficient for state recognition, but full territorial sovereignty is essential for a state's legitimacy and international standing (Vuniqui, 2019) <sup>[27]</sup>. If the international system wants the state-building process to be orderly and effective for international peace, it is necessary to firmly emphasize the principle of territorial legitimacy (Akhtar & Niazi, 2025) <sup>[2]</sup>.

### Materials and Methods

The methodology of this study is designed to analyze the legal role of state sovereignty, territorial rights, and land in the context of climate change, war, and state-building. The research design is analytical and qualitative, based on theoretical frameworks, principles of international law, and practical cases such as Palestine, Crimea, and island states. Three main methods were used to collect data: literature review, semi-structured interviews with 20 lecturers from the Faculty of Law and Political Science of Public University, Nangarhar. The sample selection was purposive in order to gather the experience and scholarly perspectives of lecturers for the analysis of the topic. Data analysis was conducted using thematic analysis, analytical comparison, and qualitative interpretation to compare theory, practical cases, and lecturers' opinions and provide a reasoned answer to the main research question. This methodology ensures the validity and practical impact of the study.

### Result

The purpose of this study was to clarify the legal role of land and analyze its impact on state sovereignty and territorial rights in the context of climate change, war, and state-building processes. The study focused on three main areas: (1) climate change, (2) war and territorial violations, and (3) state-building and territorial legitimacy. In addition, interviews and debriefing with 20 lecturers from the Faculty of Law and Political Science of Public University were conducted to provide a balanced analysis of the academic literature and practical perspectives on the subject. The study findings show that climate change has a direct impact on the legitimacy of state sovereignty (Akhtar, 2024) <sup>[1]</sup>. Rising sea levels have created a threat of geographical disappearance of some island states, which in turn raises serious questions about state sovereignty and the recognition of international law (Rothe *et al.*, 2024) <sup>[19]</sup>. Most of the faculty members of Public University (about 70%) stated that international law does not have a clear mechanism for such situations, and there is a need to create a specific legal framework for the legal position of states when their territory is lost. This result is consistent with the findings of scientific works, in which territory is considered the most important element of the legitimacy of sovereignty (Crawford & Baetens, 2023) <sup>[9]</sup>. The findings of the study revealed that war is the most serious

challenge to the legal role of territory. The annexation of Crimea by Russia was a clear violation of the principles of international law, and posed a major challenge to the territorial integrity of Ukraine (Kubalskiy, 2017) <sup>[14]</sup>. 85% of the faculty members of Public University believe that the principles of international law are overshadowed by political realities in the practical field and are sacrificed to the political interests of great powers. This finding is consistent with Kubalskiy's (2017) <sup>[14]</sup> theory that sovereignty acts as a systematic hypocrisy in international politics, and that power politics has the greatest impact on the practical implementation of territorial rights. In the area of state-building, research shows that territory is a fundamental condition for the legal recognition of a state. The Montevideo Convention (1933) provides three conditions for a state: people, government, and territory (Tintor, 2024) <sup>[23]</sup>. The case of Palestine is a practical example of this situation, which has a people and a government, but the process of international recognition has remained controversial due to the lack of full territorial sovereignty (Jurkevics, 2022) <sup>[13]</sup>. 75% of Public University professors believed that emphasizing territorial legitimacy is essential for state-building, and if a state does not have full control over its territory, its international legitimacy remains incomplete. This conclusion is consistent with the works of Iqbal (2025) <sup>[12]</sup> and Lyubushkin (2022) <sup>[16]</sup>, who consider land as the main arena for the exercise of identity, political legitimacy, and sovereignty. The findings show that land is an inseparable condition for sovereignty and state-building. Climate change has posed an existential threat to the survival of some states; war and territorial violations represent a war between international law and political reality; and the absence or incomplete sovereignty of land in the process of state-building is a major obstacle to international recognition. The views of Public University professors also support this conclusion, stating that the current frameworks of international law are inadequate and that new solutions need to be developed to address the legal role of land in the light of climate change, war, and state-building. The results of the study clearly show that land is the most important principle for state sovereignty, international legitimacy, and political stability. Combining the views of the lecturers and the analysis of theoretical works, the conclusion is that the current framework of international law must be reformed in the face of modern challenges such as climate change and war. Without this, the practical protection of the principles of territorial rights and sovereignty seems impossible.

### Discussion

The findings of the study show that territory is a fundamental principle for state sovereignty, international legitimacy, and the political identity of people. In the area of climate change, as Marinov (2024) <sup>[17]</sup> has noted, the threat of territorial erosion is a gap in the current framework of international law. The views of Public University professors also support the view that the existing principles of international law are insufficient to resolve this complex situation. This conclusion is consistent with Rayfuse & Crawford's (2012) <sup>[18]</sup> theory of sovereignty, but highlights the need for new legal mechanisms in the practical arena. In the area of War, Shkabaro (2024) <sup>[21]</sup> considered the Crimean case to be a clear violation of international law, but the findings of the study add that international political realities limit the ability to implement rights. 85% of Public University professors



believed that international law is often overshadowed by the politics of great powers. This position is consistent with Kubalskiy's (2017) <sup>[14]</sup> concept of "systematic hypocrisy". It is clear from this discussion that the war between international law and power politics remains a serious obstacle to international peace and stability. In state-building, the Montevideo Convention (1933) considers three conditions fundamental to the recognition of a state, of which territory is the most important (Tintor, 2024) <sup>[23]</sup>. The case of Palestine shows that incomplete territorial sovereignty is an obstacle to international legitimacy (Jurkevics, 2022) <sup>[13]</sup>. Public University professors similarly emphasized that without full control of territory, state recognition remains incomplete. This result strengthens the theories of Tintor (2024) <sup>[23]</sup> and Akhtar (2024) <sup>[1]</sup>, but at the same time raises the question of why the international system in some cases grants statehood to political entities with incomplete sovereignty (such as Kosovo). The findings of this study indicate the need for reform in international law, especially in the face of climate change and the loss of state territory. Also, in light of War and political realities, practical mechanisms for securing territorial rights should be established. In state-building, territorial legitimacy should find a clearer place in the criteria of international recognition. Although the research was conducted based on the literature and the opinions of 20 professors, the sample size is limited and includes the perspectives of only one university professor. Also, the focus on practical cases such as Palestine and Crimea may not fully capture the specific problems of other regions. Therefore, future research should be broadened based on international perspectives, the experiences of politicians, and comparative cases of several countries.

## Conclusion

This study focuses on the impact of climate change, war, and state-building in the context of state sovereignty, territorial rights, and the legal role of territory. According to the findings, territory is considered the most important foundation of state legitimacy and international recognition (Tintor, 2024) <sup>[23]</sup>. In particular, climate change poses an existential threat to some island states, for which the existing international legal framework does not provide a clear mechanism for resolving it (Akhtar, 2024) <sup>[1]</sup>. War and territorial violations are clear examples of the war between international law and political realities, such as the annexation of Crimea by Russia (Kubalskiy, 2017) <sup>[14]</sup>. State-building shows that the mere existence of a people and a government is not enough, but full control of territory is vital for international legitimacy, with the case of Palestine providing a practical example in this regard (Jurkevics, 2022) <sup>[13]</sup>. A comparison of the literature with the opinions of 20 professors of law and political science at Public University shows that the existing international legal framework has limitations in the face of modern challenges. The lecturers highlighted that new legal and political mechanisms are needed to address the legal role of territory in the light of climate change, war and state-building, in order to ensure the survival and international legitimacy of states. This study makes an important contribution to the fields of international law, political science and international relations, as state sovereignty, territorial rights and territorial legitimacy have been re-examined in light of modern challenges through scientific analysis and practical case studies. Recommendations for future research include studying and

proposing new mechanisms for reforming international law and the erosion of state territory. Analyzing comparative cases from different countries and regions to clarify the differences between international standards and practical realities. Creating a broad sample of the views of international organizations, politicians and lawyers to broaden the knowledge base and increase the effectiveness of analysis. Ultimately, this study demonstrates that territory is vital to the stability of state legitimacy and international recognition, and the international system must find proactive and practical ways to safeguard these principles in the face of modern challenges.

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