

Abstract

The topic of this diploma thesis is: *The Legal consequences of the loss of territory for a state and its inhabitants*. This thesis focuses on the loss of the territory due to the submerging of the island states because of a sea level rise.

This work is divided into four chapters. The first chapter concerns climate change and its causes, as it is climate change that is responsible for the rising sea level. The subsequent chapter analyses the state as a subject of public international law, and focuses on the criteria for statehood. The third chapter explores the loss of territory and its consequences on the statehood of the affected state. The final section considers the inhabitants of the state and their likely legal status.

The aim of this thesis is to determine whether the criteria for statehood, first defined in the Montevideo Convention from 1933, are still relevant today. Moreover, the goal is to clarify whether it is necessary for a state to possess a territory (i.e. one of the criteria for statehood) for its further existence. If the territory would indeed be indispensable, then this thesis examines the possibilities of how new territory can be acquired. Additionally, this work discusses the question of the liability of the polluters for climate change. In particular, the question of whether there is likely to be a specific polluter-state which is responsible for the submerging of the island states, and subsequently if it is possible to apply the so-called *polluter pays principle*, is explored.

In the section devoted to the inhabitants of the submerging state, analysis is conducted on the assumption that the state would cease to exist. In that situation the need to address the legal status of these people would arise. As such, the current norms of international law related to this issue are listed and it is expressed what the presumable legal status of the citizens would be.