

Reclaiming Justice: International Legal Dimensions of Land Reclamation on Human Rights, Sovereignty, and Environmental Equity

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ABSTRACT

Land reclamation has emerged as a global practice that extends far beyond technical infrastructure development, positioning itself at the crossroads of human rights, state sovereignty, and environmental justice. Despite the proliferation of studies addressing its ecological and economic impacts, a notable gap remains in scholarship that systematically integrates these three international legal dimensions. This study aims to address that gap by situating reclamation within the framework of international law, critically examining its normative implications. Employing a normative, juridical, and qualitative approach, the research relies on primary legal sources, including UNCLOS 1982, ICCPR 1966, ICESCR 1966, and key environmental declarations, complemented by case law from the ICJ and PCA. Secondary sources were collected through a comprehensive literature review across international databases and reports from global institutions. Data analysis was conducted through a hermeneutic interpretation of legal texts and a comparative examination of state practice. Findings reveal that reclamation often undermines the right to livelihood and a healthy environment, challenges the integrity of sovereignty when used to justify territorial expansion, and exacerbates ecological injustice by privileging elite interests over vulnerable communities. These results underscore the interdependence of rights, sovereignty, and environmental sustainability, suggesting the need for integrative normative frameworks. The study contributes to academic discourse by bridging fragmented literatures while offering practical guidance for policymakers. It highlights the urgency of embedding human rights impact assessments within environmental evaluations and strengthening regional consultative mechanisms to align reclamation practices with global legal norms.

Keywords: Land Reclamation; International Law; Human Rights; State Sovereignty; Environmental Justice; UNCLOS; Global Governance

Introduction

Since the dawn of civilization, humans have viewed land as a symbol of power, identity, and the sustainability of life (Purdy, 2013). Land is not merely a physical space, but also a social, political, and ecological space that is inextricably linked to the relationship between humans and nature (Butler, 2009; De Lucia, 2015; Dutfield, 2025; Little, 2016; Natarajan & Khoday, 2014). From a legal perspective, land is the primary locus where state sovereignty, human rights, and the principle of environmental justice intersect. Therefore, land reclamation aimed at expanding land for economic or geopolitical interests cannot be viewed solely as a technical process of infrastructure development, but also as a multidimensional phenomenon that tests the capacity of international law to balance global interests.

The phenomenon of reclamation has become increasingly widespread in the last decade (Sahlan et al., 2024). Data from the United Nations Environment Programme (UNEP,

2021) shows that more than 70% of the world's major coastal cities have undertaken or are undertaking reclamation projects to support the development of ports, business districts, and residential areas. In Asia, land reclamation has become a dominant trend (Chesterman, 2016; Tat Lin Lay Angus, 2007). For example, China's reclamation in the South China Sea, involving the construction of artificial islands, has caused regional geopolitical tensions (Doan, 2024; Raymond & Welch, 2022; Singh & Yamamoto, 2017; Zeb Khan, 2024). Similarly, Indonesia's reclamation of Jakarta Bay has sparked widespread protests due to environmental degradation and the loss of fishermen's livelihoods.

These facts show that reclamation is not only a domestic issue, but also has a transnational dimension that touches on international law. The urgency of this research stems from the tension between a state's sovereign right to manage its territory and its international obligations to protect human rights and preserve the environment.

Reclamation practices are often carried out in the name of economic development, but they frequently ignore the principles of community participation, social justice, and ecological sustainability (Pecile, 2021; Sudiana et al., 2025; Taufiq et al., 2025). In a global context, this has the potential to create conflicts of interest between countries and lead to violations of state obligations to affected communities. Thus, reclamation becomes a test case for how international legal norms function in the face of artificial changes to spatial structures made by humans.

However, previous studies have focused more on the environmental and economic aspects of reclamation (Abbasi et al., 2023; Fakhro, 2013; Hayati et al., 2021; Nawi et al., 2023; Wicaksono & Rahmawati, 2024). In contrast, comprehensive studies that simultaneously link the three critical dimensions – human rights, sovereignty, and environmental justice – are still limited (Schlosberg, 2004). Some literature emphasizes ecological impact assessment or domestic law, but rarely discusses reclamation in an integrated international legal framework (Richardson, 2016). This is where the research gap lies: there has been no in-depth analysis that treats reclamation as a complex international legal phenomenon, considering its implications for individual rights, state interests, and global ecological sustainability at the same time.

Based on this background, this study aims to analyze the international legal dimensions of land reclamation practices, with a focus on the interrelationship between human rights, state sovereignty, and environmental justice. The contribution of this research is not only academic in enriching international legal literature but also practical as a reference for national policymakers and international institutions in formulating reclamation regulations that are fair, sustainable, and in line with international legal norms.

Research Objectives

This study aims to examine land reclamation not only as a domestic development project, but also as a multidimensional legal issue with implications for international law. The focus of the study is on the intersection between human rights, state sovereignty, and environmental justice, so that we can see how these three dimensions interact and even conflict with each other in large-scale reclamation practices in coastal and marine areas.

In particular, this study aims to investigate potential human rights concerns associated with reclamation practices, including the displacement of local communities, the erosion of traditional livelihoods, and the infringement of the right to a healthy environment. On the other hand, this study also examines how coastal states exercise their sovereign rights in reclamation and the extent to which the exercise of such sovereignty is bound by international legal obligations, particularly those outlined in the United Nations Convention on the Law of the Sea (UNCLOS) and other relevant human rights instruments. Equally important, this

study emphasizes the aspect of environmental justice by highlighting the state's responsibility to maintain ecological sustainability and ensure intergenerational justice in every reclamation policy.

With this integrated perspective, the study is expected to make both theoretical and practical contributions. Theoretically, this study enriches the academic discourse by bridging the gap that has traditionally separated discussions of human rights, sovereignty, and the environment. From a practical standpoint, this research provides a normative framework that can serve as a reference for policymakers and international institutions in developing reclamation strategies that align with human rights standards, respect for state sovereignty in good faith, and the principle of environmental justice. Thus, this research reinforces the relevance of international law as a normative compass in regulating reclamation practices in the 21st century.

Methods Research

This study uses a normative legal approach with a qualitative orientation (Abdul Raof et al., 2025; M.D., 2019), which was chosen because the issue of land reclamation is more closely related to the analysis of international legal norms and principles than to quantitative measurements. Through this approach, the study focuses on the interpretation of legal texts, international instruments, and state practices within a consistent theoretical framework.

The primary data sources are relevant international legal instruments, including the United Nations Convention on the Law of the Sea (UNCLOS 1982), the International Covenant on Civil and Political Rights (ICCPR 1966), International Covenant on Economic, Social and Cultural Rights (ICESCR 1966), Stockholm Declaration on the Human Environment 1972, and Rio Declaration on Environment and Development 1992. In addition, international court decisions such as those of the International Court of Justice (ICJ) and the Permanent Court of Arbitration (PCA) are used as legal precedents to strengthen the analysis.

Secondary data includes academic articles, international law monographs, official United Nations reports, documents from non-governmental organizations in the field of the environment and human rights, and policy analyses published by international think tanks. Data collection was conducted through a literature review using legal and academic databases, including HeinOnline, Westlaw, JSTOR, ScienceDirect, and the UN Treaty Collection.

These sources were selected for their credibility and broad coverage, enabling researchers to obtain a comprehensive picture of the regulations, practices, and dynamics of land reclamation from an international law perspective. To enrich the analysis, the study also refers to empirical reports on reclamation practices in Southeast Asia, the Middle East, and Europe.

Data analysis was conducted through an international legal hermeneutic approach, interpreting legal texts based on the principle of systemic integration as stated in Article 31(3)(c) of the Vienna Convention on the Law of Treaties (1969). This analysis was supplemented by a comparison of state practices in implementing reclamation to identify consistency or deviation from international obligations. This approach not only yields a normative understanding but also facilitates reflection on the empirical implications that arise in various cases.

The methodology is designed to be replicable by other researchers. By accessing the same legal sources and applying an integrative analytical framework that connects the dimensions of human rights, sovereignty, and environmental justice, this study offers both transparency and academic accountability. Such replication is essential to ensure that the

research results are not only theoretically valid but also relevant to the future development of international law.

Results and Discussion

Land Reclamation and Human Rights

Research findings show that land reclamation has profound implications for human rights, particularly the right to a healthy environment, the right to housing, and the right to a decent livelihood. The case of Manila Bay in the Philippines, for example, shows how thousands of fishermen lost access to their traditional fishing grounds as a result of large-scale reclamation.

This loss of access has direct implications for the economic and social rights guaranteed in the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966). Similarly, studies in Jakarta Bay show that coastal communities have been evicted without adequate public consultation mechanisms, thereby violating the principle of free, prior, and informed consent (FPIC) recognized in international law.

This analysis indicates a gap between reclamation practices in the field and the international obligations of states to protect the rights of their citizens. Human rights should be the main parameter in reclamation policy, not just an additional consideration (Agbakwa, 2002; Cahill-Ripley, 2016; Mowery, 2002; Simons, 2014; Wicaksono & Rahmawati, 2024). Thus, reclamation carried out without regard for human rights dimensions not only has the potential to cause social conflict, but can also be challenged normatively through international legal mechanisms, including through UN Special Procedures or relevant UN treaty committees.

Reclamation and the Challenge of State Sovereignty

In addition to addressing human rights issues, reclamation also sparks debates regarding the concept of state sovereignty (Aubonnet & Anderson, 2025; Hall & Regalia, 2016). Under international law, UNCLOS 1982 grants coastal states the right to manage their territorial waters, exclusive economic zones, and continental shelves (Constantinou & Hadjimichael, 2021; Gumplová, 2025; Lehto, 2024; Lodge, 2021; Molenaar, 2021; Wambua, 2022). However, reclamation practices often artificially extend coastlines, which are then used as the basis for claims over new maritime territories. This phenomenon is evident in the South China Sea dispute, where China has carried out massive reclamation by building artificial islands on the reefs. The 2016 international arbitration in the Philippines v. China case at the Permanent Court of Arbitration confirmed that reclamation cannot be used as a basis for new sovereignty claims, as it violates the principles of international maritime law.

The implications of this finding are significant: reclamation is not merely a development activity, but also a geopolitical tool that can trigger regional tensions. Countries do have sovereignty over their territories, but the principle of good faith and the no harm principle limits sovereignty. Reclamation that alters the geostrategic conditions of an area without a dispute resolution mechanism has the potential to violate international obligations and create legal and political instability.

Environmental Justice in a Global Perspective

The third dimension revealed by this study is environmental justice. Reclamation is often promoted as an economic development strategy, but short-term benefits usually come at the expense of ecological sustainability (Cao, 2007; Duan et al., 2016; Ng & Cook, 1997; Qiu et al., 2021; Wu et al., 2018). Studies on the reclamation of Jakarta Bay, for example, show the

degradation of mangrove ecosystems that serve as a natural buffer against flooding and seawater intrusion. This damage not only harms the current generation but also imposes an ecological burden on future generations, thereby violating the principle of intergenerational equity affirmed in the 1992 Rio Declaration.

Furthermore, the issue of environmental justice also concerns the distribution of the burdens and benefits of reclamation. Reclamation projects generally benefit investors and political elites, while coastal communities must bear the social and ecological impacts (Bisaro, 2019). This imbalance in the distribution of benefits confirms that reclamation cannot be assessed solely from an economic development perspective, but must be viewed through the lens of global justice. Within the framework of international law, the principle of common but differentiated responsibilities (CBDR) serves as a reference to balance development needs with environmental protection responsibilities.

Integration of Human Rights, Sovereignty, and Environmental Dimensions

The results of the analysis show that the dimensions of human rights, sovereignty, and the environment do not stand alone, but are interrelated and influence each other (Boyle, 2012; Gianolla, 2013; Kotzé, 2014; Litfin, 1997; Peters, 2009). Reclamation that negates human rights will weaken the legitimacy of state sovereignty in the eyes of the international community. Conversely, reclamation that is carried out without regard for the principle of environmental justice will cause long-term human rights issues and damage relations between countries. Therefore, an integrative normative framework is needed, one that is capable of connecting these three dimensions in a balanced manner.

This framework can be established by strengthening existing international legal instruments and promoting more effective implementation mechanisms. For example, integrating human rights impact assessments (HRIA) into environmental impact assessments (EIA) for every reclamation project, or establishing regional consultative forums that can prevent maritime disputes resulting from reclamation (Kemp & Vanclay, 2013). Thus, international law functions not only as a normative device but also as a preventive instrument in regulating equitable reclamation.

Discussion

The results of this study show that land reclamation practices present a complexity in international law that cannot be reduced to merely technical aspects of development. Reclamation fundamentally addresses the relationship between the state, individuals, and the environment, necessitating a holistic understanding of these three dimensions. Within the framework of human rights, reclamation practices that cause evictions, loss of livelihoods, or degradation of a healthy environment reveal the weakness of state protection of citizens' fundamental rights. This finding is in line with the argument of Boyle and Anderson (1996), who emphasize that environmental protection is an integral part of the human rights regime, even though it is not yet fully recognized in positive international law (Boyle, 2006, 2012). Thus, reclamation reinforces the urgency of integrating environmental law and human rights law, which have so far been developing in the realm of "soft law."

From a sovereignty perspective, reclamation tests the conceptual boundary between a state's rights over its territory and its international obligation to maintain regional stability. UNCLOS 1982 does recognize the rights of coastal states, but the practice of artificially extending coastlines through reclamation to strengthen territorial claims demonstrates an abuse of maritime law norms. This analysis is consistent with Krasner's (1999) view of sovereignty as "organized hypocrisy," namely that states often use the principle of

sovereignty to protect their interests, even at the expense of the common good (Philpott, 2001). Reclamation in the context of the South China Sea is a clear manifestation of this paradox, where the construction of artificial infrastructure is positioned as a symbol of sovereignty, even though it is normatively contrary to the principle of good faith in international relations.

Meanwhile, the dimension of environmental justice highlights how reclamation practices have implications for the unfair distribution of benefits and burdens. The literature on environmental justice (Schlosberg, 2004) emphasizes three essential aspects: distribution, recognition, and participation. In reclamation practices, the distribution of benefits tends to be concentrated among economic and political actors, while coastal communities bear the socio-ecological burdens. Recognition of the identity and rights of local communities is often ignored, and public participation is limited to administrative formalities.

Thus, reclamation reveals structural inequalities that deepen the gap between economic development and socio-ecological justice. The interconnection between these three dimensions reinforces Harold Koh's theory of transnational legal process, namely that international law is formed and implemented through dynamic interactions between state and non-state actors (Koh, 1991, 2001, 2005).

Reclamation becomes an arena where human rights norms, sovereignty, and environmental justice interact, clash, and are negotiated. In this context, international law functions not only as a static normative framework, but also as a discursive space where the legitimacy of policies is tested.

The global implications of these findings are significant. First, reclamation can be viewed as a form of climate risk multiplier, specifically development activities that exacerbate global environmental vulnerability, particularly during the climate crisis. Second, reclamation practices reveal the limitations of the international legal regime in enforcing state accountability when there is a conflict between development and the protection of human rights and the environment. Third, this phenomenon calls for a reformulation of the international approach through the integration of human rights impact assessments into environmental impact assessments as a binding universal standard. Thus, reclamation practices reflect that the global challenges of the 21st century are not merely about economic growth, but about how international law can redefine the relationship between humans, states, and nature within the framework of sustainable justice.

Scientific Novelty and Research Contribution

The novelty of this research lies in its integrative approach, which examines land reclamation simultaneously from three dimensions of international law, namely human rights, state sovereignty, and environmental justice. Previous literature tends to highlight environmental or sovereignty aspects separately, while this study positions reclamation as a multidimensional phenomenon that requires an integrated normative framework.

This approach provides a new perspective in understanding reclamation not only as a domestic development issue, but also as a complex international legal problem. The scientific contribution of this research can be seen from two sides. Theoretically, this research enriches the discourse of international law by offering an analytical framework that connects human rights, sovereignty, and environmental justice into a cohesive whole.

Practically, this research provides a normative basis for national policymakers and international institutions in designing reclamation regulations that align with international obligations, ensuring that development can proceed without compromising the rights of the community and ecological sustainability. Thus, this research not only closes the existing

academic gap but also offers a real contribution to the governance of reclamation at the global level.

Conclusion

This study confirms that land reclamation cannot be understood solely as a domestic development policy, but rather as a complex and multidimensional phenomenon of international law. The main findings show that reclamation often leads to human rights violations, complicates the conceptual boundaries of state sovereignty, and disregards the principle of environmental justice. These three dimensions are interrelated and inseparable, because reclamation that fails to respect individual rights will weaken the legitimacy of state sovereignty. In contrast, reclamation that ignores ecological justice will result in intergenerational injustice and tensions between countries.

Reflectively, this study highlights the limitations of the international legal regime in addressing the challenges of reclamation, while simultaneously creating opportunities for the integration of norms through a more holistic approach. Strengthening international instruments, incorporating human rights impact assessments into environmental impact assessments, and regional consultation mechanisms are strategic steps to balance development with global obligations.

Thus, this study contributes to academic discourse by offering an integrative analytical framework that links human rights, sovereignty, and environmental justice. At the same time, this study provides a practical foundation for national policymakers and international institutions in formulating reclamation governance that is more equitable, sustainable, and in line with international legal norms.

Thus, this study not only fills an academic gap but also provides relevant policy directions for global efforts to build a more equitable, binding, and adaptive normative framework for transnational business dynamics.

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