

*Threatened island nations: Legal implications of rising seas and a changing climate**

Kiribati and the Marshall Islands are two of several nations in the Pacific and Indian oceans whose habitability and very existence is endangered by rising seas. These threats raise serious legal questions about the continued viability of these states and how to protect their people who may need to relocate.

The legal issues posed by this tragic situation are the focus of a new book from Cambridge University Press, co-edited by Professor Michael Gerrard, of the Center for Climate Change Law at Columbia University and Gregory E Wannier, US District Court for the Central District of California. The book asks the questions such as:

- If a nation is under water, is it still a state? Does it still have a seat at the United Nations?
- What becomes of its exclusive economic zone, the basis for its fishing rights? What obligations do other nations have to take in the displaced populations, and what are these peoples' rights and legal status once they arrive?
- Should there be a new international agreement on climate-displaced populations?
- Do these nations and their citizens have any legal recourse for compensation?
- Are there any courts that will hear their claims, and based on what theories?

Leading legal scholars from around the world address these novel questions and propose answers. Threatened nations must prepare themselves legally for a future without habitable territory, and there are resulting diplomatic and political steps each nation could pursue to strengthen its legal standing into the future. The book highlights current legal authorities and then explains how they can be used.

The book follows a joint conference on Threatened Island Nations: *Legal Implications of Rising Seas and Changing Climate* in New York convened by the Permanent Mission of the Republic of the Marshall Islands (RMI) to the UN and

the Center for Climate Change Law of Columbia University on 23—25 May 2011.

In the lead up to the conference the RMI Government began collaborating with Michael Gerrard 'to explore creative approaches to the legal issues facing low-lying island nations as climate change causes sea levels to rise.'

RMI Minister of Foreign Affairs John Silk said the conference represented his country's first steps to finding solutions to difficult problems rather than acting as 'passive or silent victims. 'We, the Marshallese and all nations and people at the front lines of vulnerability should be more actively defining our future in all eventualities instead of letting others write it for us.'

Immediately before the conference, on 20 May 2011 Mr Silk addressed the UN Conference on the Security Implications of Climate Change hosted by the Permanent Mission of Germany and the Permanent Mission of Portugal on behalf of Pacific Small Island Developing States. He said adaptation strategies are not enough to prevent inundation and proposed that the Security Council should recognize the threat of climate change to international peace and security. He also said 'the Council has a moral and legal duty to respond to current and projected threats with appropriate corresponding action.' He said 'the Security Council should request the Secretary General to evaluate and report on the capacity of the United Nations specialized agencies to respond to the security impacts of climate change, as well as to offer recommendations on how to enhance the UN's capacity and improve its response to meet the security challenges.'

For more information: see <www.cambridge.org/us/knowledge/isbn/item6975792/?site_locale=en_US>

References:

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* Michael B Gerrard and Gregory E Wannier (eds), Cambridge University Press, March 2013, ISBN:9781107025769