



## **Remarks**

**by**

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**at**

**The Hague Institute of Global Justice  
The Netherlands**

**Roundtable: Climate Security and Justice for Small Island Developing States: An  
Agenda for Action**

**18 March, The Hague**

Dr. Abi Williams,

Excellencies,

Fellow panellists,

Ladies and gentlemen,

Thank you for organising this event and for inviting me to make some remarks. It is fitting that you are promoting conflict prevention, rule of law and global governance individually but also collectively in respect of SIDS.

Last September I was honoured to represent the UN Secretary-General, Mr. Ban Ki-moon, at the 44<sup>th</sup> Pacific Islands Forum Leaders meeting in Majuro, the Republic of Marshall Islands. Having landed at the Amata Kabua International Airport, the plane made a 180 degrees about-turn as it taxied toward the arrivals terminal Both sides of the length of the runway were surrounded by the ocean.

As we drove into the capital on the single stretch of what was the main road, we crossed a bridge with a very slight arch. We were in fact approaching the highest land area on the island of Majuro.

The United Nations Secretary-General also had a similar experience when he visited Kiribati a couple of years ago. He was shocked to find out that each guest of the hotel he was accommodated in was provided with a life vest in case of possible wave surges.

As the saying goes, ‘seeing is believing’, and one gets a better appreciation of the concerns of these small islands than when one is on the ground. For Atoll SIDS like the Marshalls, Tuvalu, Kiribati and the Maldives where most of their population reside within 5 meters of the sea-level, the threat of sea-level rise and inundation is an everyday reality. For many of them the situation of climate change and the threat of its associated sea-level rise is no longer a perception – it is very real and it is a clear and present danger

Just last week, , Majuro was inundated with high king tides which displaced some 1,000 residents. A number of family homes were completely destroyed by the tides. The Marshall Islands Minister for Foreign Affairs said it was the worst king tide to hit the Marshalls in decades. Climate models project that these events could very well be the new norm with IPCC projecting an average of 28-29cm sea-level rise over the next century.

It is understandable that global media attention are drawn to these more dramatic events but equally, and often times more important, are the effects of the slow onset of the impacts climate change that are not particularly headline grabbing. The encroaching sea has already affected the water table of many of these islands. This has a direct impact on

livelihoods and quality of life, rendering islands uninhabitable long before they are physically inundated by the sea. Salination of aquifers, depletion of fish stocks, are already contributing towards the hardships that the islanders are beginning to face.

It is no secret that SIDS have been calling for a fair deal when it comes to adapting to the realities that the effects of climate change brings. They have been very vocal. Their voices emanate from the premise that while their contribution to the climate challenge has been negligible, they are among the first to feel its negative impacts. Essentially, their calls emanate from a high moral ground; their argument being that the challenges they are now faced with was not of their own making, yet they are the ones suffering. They are in the front lines. Others, they and science say, will also be experiencing this phenomenon in time. SIDS claim that the response to their calls has been underwhelming and patchy at best.

Yet these facts remain, 99-100% of the populations of Kiribati, Maldives and Marshall Islands, reside within 5 meters of sea-level. On average, one third of the total population of SIDS resides within 5-meter of the sea level. Similarly in the Caribbean, higher frequency and severe intensity of storms and superstorms have been a norm in the last decade. Again IPCC assessments had projected sea-level rise, intense hurricane and cyclone weather events. The climate-induced severity has caused enormous number of deaths and loss of life and livelihoods. Grenada and St.Kitts & Nevis faced disasters in quick succession, which proved that the current provision of access to funds are inadequate. These events and the recovery processes that follow them contribute to exacerbating and perpetuating the debts that these countries incur during the recovery processes.

There is recognition and indeed acknowledgement in UN 'soft law' legislative archives of the plight of the SIDS. The background paper for this round table correctly points out a number of these, including the Barbados Programme of Action for the Sustainable Development of SIDS and its 2005 Mauritius Strategy of Implementation. The annual UN General Assembly resolution on SIDS have also contributed to the GA legislative history on this matter. Building economic resilience is very important.

Indeed, the international community has recognized the threat that climate change poses to SIDS. The 2012 Rio+20 outcome stated that sea-level rise and other adverse impacts of climate change continue to pose a significant risk to Small Island Developing States and their efforts to achieve sustainable development and, for many, represent the gravest of threats to their survival and viability, including for some through the loss of territory.

The recognition of 'this gravest of threats' is in itself an affirmation that climate change for many SIDS has survival and thus fundamental threats to their security. Indeed, many would argue that there is no higher security threat than the loss of territory. With some Small Island Developing States total coastlines measuring only some 30 or 25 km, it is no wonder that the potential of losing further shorelines due to encroaching climate-change-induced sea-level rise has significant security implications for these island nations.

Again the background paper for this round table captures well the issues that have been discussed concerning the number of legal instruments in place that could be tapped by SIDS through which some legal redress may be sought. The issue of loss of sovereign rights and sovereignty due to a shrinking baseline presented by encroaching sea-levels has been an issue that has been debated for sometime now.

Due to their inherent geographic make-up SIDS, a vast portion of many SIDS territory are ocean spaces. Indeed, the oceans and SIDS are often uttered in the same breath in ordinary UN parlance. All SIDS that can ratify UNCLOS have done so, which reflects the high importance they place on this the 'constitution of the oceans'. The adoption of the EEZ regime guaranteed by UNCLOS is a boon for SIDS. For almost all SIDS their EEZs and ocean space territories are larger than their terrestrial land mass. Whereas the SIDS average land mass is several thousand sq. km, their average EEZ sizes are much larger.

While there has been talk about what a shrinking baseline might effectively mean for SIDS and their claims of sovereignty in the future, the majority of SIDS have not deposited their charts and coordinates mapping out their baselines,EEZs, and other ocean spaces with the UN Secretary-General as yet. The reasons are numerous, including those that include, capacity constraints and technical know-how, costs, and unresolved political boundary issues. As such more focus should be placed on getting more SIDS to complete their charts and coordinates and have them deposited in accordance to UNCLOS provisions.

The discussions spearheaded by Palau for the GA to seek an advisory opinion from the ICJ on the issue of climate change responsibility taking into account the laws on international legal principles, climate science, transboundary harm, and national legislation had been discussed and proposed for a while now. Legal issues, including those on causal links and State responsibilities including those concerning measuring apportionment, are key issues that will need to be considered in making such a case.

The issue of what exactly is the question to be put by the General Assembly for the ICJ's deliberation and opinion itself remains an issue for a number of member States. Palau and its supporters are working hard to convince for a resolution to be passed by the GA on this matter.

The Pacific SIDS had actively pursued the active engagement of the Security Council on the climate change issue as well, arguing that its security dimension allowed the Council to be seized with certain aspects of climate change. It was hailed as a historic occasion when the GA adopted the resolution in 2009 which saw the GA calling on the UN Secretary-General to submit a comprehensive report to the General Assembly at its sixty-fourth session on the possible security implications of climate change, based on the views of the Member States and relevant regional and international organizations.

However, the resolution that was adopted by the GA, in spite of its historic significance, was a watered down version of the original draft tabled by the Pacific SIDS. The original draft had called on the Security Council itself to submit a report to the GA. This had the

added benefit of allowing the GA to receive a report from the Council and through this asserting the GA's position as the UN's preeminent deliberative organ. This example highlights the political considerations that SIDS have to contend with in their search to elevate the climate change dialogue beyond the development agenda.

The Human Rights Council has also been considering climate change through the adoption of resolution 'climate change and human rights' first adopted by the Council in 2008. This resolution came about because of the realization that the enjoyment of certain human rights would be affected by the climate change phenomenon. Many SIDS, particularly, those from the Pacific region, have been highlighting this linkage between climate change and their enjoyment of certain rights, including their right to practice their indigenous culture and language on their traditional land as well.

So far we have been focusing on this issue with a State to State context and given the global nature of this issue it is only right that we focus on this issue. I recognise that the background paper for our meeting today also touched upon other legal questions including those concerning refugees status.

This is a very important issue as well. A more concerted effort in defining 'environmentally displaced people' might be something that be further considered which fully captures the issue in all its dimensions.

But focusing on State/State relations and inter-State migration should also not distract us from the internal migration that is already happening in a number of SIDS due to the impacts of climate change. The larger archipelagic SIDS also have atolls within their territory and these atoll inhabitants in Papua New Guinea and the Solomon Islands, for example, have already been displaced and are resettling in larger islands still in these countries. It so happens that Papua New Guinea and Solomon Islands, both Melanesian countries, are among some of the most linguistically and culturally diverse countries in the world. Linguists have claimed that the Melanesian region with a population of some 10million people boasts a quarter of the world's languages. There is a wide variety of customs and practices in this culturally diverse region. Geneticists have also found rich diversity in the genes of these island habitats.

The potential for conflict is all the more real when different cultural groups are forced to co-exists over a short time frame. The security implications are therefore quite real in a number of these SIDS, particularly, those already facing internal migration. The costs of internal migration is another aspect that SIDS feel should not be borne by SIDS alone.

Hence, the issue of 'loss and damages' within the context of the UNFCCC process is one that many SIDS and LDCs have been calling for for some time now. We are now entering an interesting phase. SIDS are now following closely how the questions on loss and damages are going to be addressed going forward. Already a number of them are lamenting the fact that the loss and damage negotiations are lumped under the adaptation track, with all its own setof issues. It was of course a compromise in the end that SIDS were willing to make to have the loss and damage issue to remain on the table for discussions.

I have outlined above some of the issues that SIDS and the international community are grappling with. In the spirit of these round table and wishes of the organisers to come out with some action proposals, may I suggest the follow:

- Build resilience and innovative mechanisms on issues concerning diasater preparedness, trade facilitation, regional integration are very important.
- The internationally acknowledged grave threat that the effects of climate change entails for SIDS is beyond simply a perceived threat – it is a reality and clear a present danger.
- Given the questions surrounding issues of sovereign rights and sovereignty, SIDS should be assisted to expeditiously complete their coordinates of their various ocean spaces. guaranteed by UNCLOS and deposit them with the UN Secretary-General in accordance to UNCLOS.
- SIDS would need appropriate expert assistance in the framing of a potential question they have raised in the loss of sovereignty issue.
- While the issue of migration has been highlighted by a number of Atoll Island SIDS, other larger SIDS are already facing internal displacement issues that will need the support of the international community.  
How to use the term to denote the climate change induced displaced SIDS inhabitants that canfully capture their plight in a holistic manner.
- As we all know, SIDS are on the frontlines. But sooner or later, more States may face this same reality as a consequence of climate change impacts and effects.

In summary, when we look at the security of SIDS, we should also be looking at their physical security, livelihood, and their human security as well.

May I take this opportunity to thank the organisers of this round table for inviting me to participate and make the aforementioned proposals. I thank you to for your forward looking approach given that the Third Conference on SIDS is going to be convened this September in Samoa and that there is a possibility of linking your work with the conference as well. I should also like to recall that this year is designated as the International Year of SIDS as well so all this focus on SIDS is very much welcomed to highlight dangers but also the opportunities for SIDS

I look forward to seeing the outcomes of our discussions.

I thank you for your kind attention.