

Sea level Rise Clear and Present Danger to the Sovereignty of Archipelagos Indigenous Peoples and to Small Islands Developing States

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The impact of sea level rise caused by climate change poses a substantial threat to certain island nations in the Pacific and Indian Oceans as well as the worldwide disappearance of large masses of continental coastal territories. Nearly 2.4 billion people (about 40 per cent of the world's population) live within 100 km (60 miles) of the coast¹. In addition to other vulnerabilities, the territories of these island nations and coastal lands may become partially or completely submerged.

The institution of sovereignty is facing unforeseen challenges like mass human rights violations, climate change, and the possible largest migration crisis in history as the "rising seas could result in 2 billion refugees by 2100"² forcibly displacing coastal populations creating a crisis only comparable to the next 6th largest mass extinction³ in history, cited as the Anthropocene extinction⁴ due to the scientific fact that both are caused by human actions.

Marcus Arcanjo was right to ask: "Has Climate Change Rendered the Concept of Sovereignty Obsolete?"⁵. Clearly the 1933 Montevideo Convention on the Rights and Duties of states was unable to consider the clear and present danger of climate

¹ "Ocean-Fact-Sheet-Package.Pdf," accessed November 9, 2020, <https://www.un.org/sustainabledevelopment/wp-content/uploads/2017/05/Ocean-fact-sheet-package.pdf>.

² "Rising Seas Could Result in 2 Billion Refugees by 2100," Cornell Chronicle, accessed November 15, 2020, <https://news.cornell.edu/stories/2017/06/rising-seas-could-result-2-billion-refugees-2100>.

³ "What Are Mass Extinctions, and What Causes Them?," Science, September 26, 2019, <https://www.nationalgeographic.com/science/prehistoric-world/mass-extinction/>.

⁴ "Anthropocene_Extinction_Our_Dying_Planet.Pdf," accessed November 15, 2020, https://www.nmu.edu/english/sites/DrupalEnglish/files/UserFiles/WritingAwards/Houston/Anthropocene_Extinction_Our_Dying_Planet.pdf.

⁵ 1225 New York Avenue and NW, "Has Climate Change Rendered the Concept of Sovereignty Obsolete?," *Climate Institute* (blog), accessed November 15, 2020, <http://climate.org/has-climate-change-rendered-the-concept-of-sovereignty-obsolete/>.

change to the sovereignty of small island developing states when defining sovereignty of nation states in its first Article.

Currently, a rapidly changing climate is placing island states and atoll nations in particular risk of becoming submerged due to rising sea level⁶ obliterating one of the four elements of the investiture of sovereignty contained in the Montevideo Convention definition, only shifting the paradigm to the subsequent forced displacement of coastal populations that would be created by this manmade catastrophe.

To avoid global migratory crisis and international instability created by a growing list of populations that are undefined and undefinable populations under current international law⁷, the concept of sovereignty must be reinvented including the reactivation and full recognition of indigenous Peoples as governing entities.

It is the inherent right and duty of original governing bodies like the Sultanate of Sulu representing the Tausug people since the 1400s, and other islands and archipelagos, like for example the Kingdom of Hawaii suffering in the last 50 years sea level rise along Hawaii's shores, increasing erosion and threatening coastal communities and infrastructure⁸ as per the US Environmental Protection Agency has been announcing since 2016.

It is time to rightfully demand the compliance and execution of the guidelines of the UN Paris Agreement⁹ and to actively and publicly measure advancement to implement a new sustainable economic system that ensures their existence and the protection of our planet.

Tribal and modern traditional governments are facing many complicated existential issues, but particularly archipelagos and 57 nation-states considered as Small Islands and Developing States (SIDS) with around 65 Million people are in the front line of climate change representing the main challenge to their sovereignty including currently a hardship consequence of climate change erasing their

⁶Biribo, N. & Woodroffe, C., 2013. Historical area and shoreline change of reef islands around Tarawa Atoll, Kiribati. Sustainability Science, 8(3), pp. 345-362; Barnett, J. & Adger, W., 2003. Climate dangers and atoll countries. Climatic Change, 61(3), pp. 321-337; Mimura, N., 1999.

⁷ Avenue and NW, "Has Climate Change Rendered the Concept of Sovereignty Obsolete?"

⁸ "What Climate Change Means for Hawaii," n.d., 2.

⁹ "English_paris_agreement.Pdf," accessed November 15, 2020, https://unfccc.int/sites/default/files/english_paris_agreement.pdf.

territory coastlines, if not reversed will also erase their heritage, their way of life, and endanger future generations to come.

UNCLOS must act as the world constitution for the Law of the Sea to address the issues to all members of the Coalition by answering the following questions as stated in the UNGA Resolution A/73/10, Annex B of the UN created International Law Commission:

- (i) Possible legal effects of sea-level rise on the baselines and outer limits of the maritime spaces which are measured from the baselines;
- (ii) Possible legal effects of sea-level rise on maritime delimitations;
- (iii) Possible legal effects of sea-level rise on islands as far as their role in the construction of baselines and in maritime delimitations;
- (iv) Possible legal effects of sea-level rise on the exercise of sovereign rights and jurisdiction of the coastal State and its nationals in maritime spaces in which boundaries or baselines have been established, especially regarding the exploration, exploitation and conservation of their resources, as well as the rights of third States and their nationals (e.g., innocent passage, freedom of navigation, fishing rights);
- (v) Possible legal effects of sea-level rise on the status of islands, including rocks and on the maritime entitlements of a coastal State with fringing islands;
- (vi) Legal status of artificial islands, reclamation or island fortification activities under international law as a response/adaptive measures to sea-level rise.

To mitigate the generational damage, large corporations must take upon their responsibility as present generations towards future generations, facilitating a timely viable transition needed to double down carbon emission as a prejudicial trend in the industrial production and distribution of the value chain.

It is our duty, to achieve carbon neutral before it's too little and too late to walk back from the point of no return.

I was recently appointed by Royal Decree by The Reigning 38th Paramount Sultan of the Sultanate of Sulu Archipelago, Mindanao and North Borneo (Sabah) as Deputy Minister of Foreign Affairs and Deputy Permanent Representative,

Ambassador to the United Nations and Legal Representative to act in the best interests of the Tausug People to face this global existential challenge.

As an international lawyer, a UN Diplomat, humanitarian and environmental activists it is my duty to agree with the concern of the autonomous Region of Muslim Mindanao, Sulu Archipelago, and North Borneo that sea level rise is a clear and present danger to the sovereignty of Archipelagos Indigenous Peoples, and to Small Islands Developing States, and to 40 % of the world population inhabiting coastal areas, hence, it is my duty to ourselves and for all our children's children to act without delay or hesitation.

The case is incontrovertible, to move forward and represent their narrative we must act now. In my opinion, the first step would be to create an international coalition titled *"Island Peoples Sovereignty Coalition"* ("IPSC") a united international alliance presenting their circumstances which will only preclude the global consequences, highlighting viable solutions across the globe as described below.

The UN General Assembly has unanimously stated in its 70th session that *"Climate change is one of the greatest challenges of our time and its adverse impacts undermine the ability of all countries to achieve sustainable development. Increases in global temperature, sea-level rise, ocean acidification and other climate change impacts are seriously affecting coastal areas and low-lying coastal countries, including many least developed countries and small island developing States. The survival of many societies, and of the biological support systems of the planet, is at risk."*¹⁰

The IPSC will not only make reference to the present and future consequences, but will move forward with concrete proposals listed as follows: 1) declare a "Climate Emergency" in each of the coalition members' territory; 2) devise a "Global Contingency Action Plan to fight Climate Change", including the need to embrace the present actions: 2.1) declare a mandatory "Era of conversion" from fossil fuels extractive economic values to a carbon neutral responsible one; 2.2) present a "Universal Sustainable Hemp Plan" accelerating startups with the present technology to access more than 50,000 products substituting fossil fuel raw materials and final products; and, 2.3) will enact a "Digital Natural Capital Asset

¹⁰ "A/RES/70/1. - E - A/RES/70/1.," accessed November 15, 2020, <http://undocs.org/en/A/RES/70/1>.

Economic System” to complement the current one by backing a digital currency with traditional and Natural Capital Assets, rewarding positive encouraging actions like worldwide planting 1 trillion trees within the next 10 years.

Each country will start by implementing each of these measures to teach by example.

The roadmap of the IPSC will aim at deploying the Global Strategy and taking the model to the Davos World Economic Forum, the UNGA, and at the COP25 of the UNFCCC in November 2021 to be replicated worldwide.

The inaction of our present generation will allow on our watch to displace millions of world citizens and will declare a death sentence to the sovereignty of many island nations already in peril of losing their territory and their existence. We still have the ability and barely the time to stop it and transform poison into medicine by generating beneficial and productive world policy to accomplish the aspirational guidelines of the UN 2030 Agenda for Sustainable Development.

The road is long and steep but to remain silent will only make our present generation a silent accomplice by default, with unavoidable outcomes to future generations to come by destroying cultures, obliterating heritage of humankind, and erasing centuries old civilizations’ sovereignty and peoples.