



Republic of the Marshall Islands:  
Views regarding the Possible Security  
Implications of Climate Change

Permanent Mission of the  
Republic of the Marshall Islands to the United Nations

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**Table of Contents**

Republic of the Marshall Islands – background ..... 3

Overview of Climate Impacts within the Republic of the Marshall Islands ..... 4

National Views on Climate and Security ..... 6

    Defining Security

    Security Implications of Climate Impacts to Resources

    Legal Personality & Territorial Integrity

Potential Means of Treatment: Possible Elements for a “Way Forward” on Climate and Security ..... 15

Appendix A: Basis of of Long-Term Treatment for Climate & Security Issues under UN Charter Articles 33 & 34 .....18

Appendix B: Examining Possible Security Implications of Climate Change Relating to Discussions Regarding UNCLOS within the General Assembly ..... 22

### **Republic of the Marshall Islands: Background**

The Republic of Marshall Islands (RMI) consists of 29 remote coral atolls, each made up of small islets, and five single islands in the North Pacific Ocean region. These atolls are spread out over an area of approximately 750,000 million sq km, and consist of approximately 1,000 individual islets. The atolls are low-lying, averaging only about 2 meters above sea level and making up a total of 181 km<sup>2</sup> of land area. Generally, the atolls are long and very thin stretches of land, in which it is often possible to stand in the lagoon and see the ocean on the other side. As such, there are relatively few, if any,

The Marshallese people are well known for their strong emphasis on traditional culture. Cooperation and caring are vital characteristics for a geographically isolated and vulnerable people. Land serves as an important focal point for Marshallese culture and social organization. Land tenure in the Mars

issued by leading scientists, including that of an IPCC lead author, issued subsequent to the 2007 IPCC report, reveals troublesome conclusions, including that interim models indicate that there may be severe impacts for coral atoll nations even at low levels of greenhouse gas emissions, that sea level rise may be greatest in tropical regions due to ocean circulation patterns and that the observed rate of climate-related impacts is occurring at a rate which is faster than existing scientific models can account .<sup>4</sup>

Sea-level rises of the magnitude contemplated by the best available science would no doubt pose a serious threat to RMI's territorial integrity.<sup>5</sup> Even a half-meter rise in sea level, or less, could threaten RMI's suitability for human habitation, due to impacts that would include increasingly scarce freshwater resources.

National data collection monitoring in RMI indicates that sea-level rise is already being observed, and at increasing rates. Nearly all of the land within the Marshall Islands consists of fragile atolls which are very thin; in many places within an atoll one can stand in the lagoon and see waves crashing on the ocean side, across the atoll, thus offering

may be as a result of observed climate change corresponding with increasing atmospheric concentrations of GHG.. The projected result of the increasing rate of ITCZ shift in the Marshall Islands will be to introduce drought in areas accustomed to heavier rainfall, and to introduce increasing precipitation in areas not accustomed to flooding or heavy rain events.

*RMI's Response to Climate Vulnerabilities and Remaining Barriers*

In the intervening 17 years since the issuance of its first 1992 report on climate impacts,

## **National Views on Climate and Security**







confidence-building measures (disarmament is a noteworthy example), or achieving a balance of power (hegemonic behavior may pose a threat to peace and security, see GA Res 34/103, Dec 14, 1979). In addition, Article 1(1) of the Charter identifies another path to resolution - settlement or adjustment of situations which might lead to a breach of peace, as being in accord with justice and international law (suggesting not only treaties, customary law, and general principles of law, but also natural law).

By any admission, a range of scientific estimates exists, with undeniable consensus that

From the viewpoint of the Marshall Islands as a low-lying island nation, there is a clear and simple distinction to be made between security and sustainable development, in light of climate change impacts upon statehood. Specifically, when climate change poses a

food security at a level by which subsistence would be seriously impaired (including through water salinization, coastal flooding/drought, coastal impacts to subsistence fishing, soil erosion or quality). The impairment is a barrier to development goals, but is also a potentially comprehensive threat – eg. all water or food security, for effective purposes, could be threatened. As noted below in the summary of the recent communication from the UN High Commissioner on Refugees, these impacts are at such a scale as to pose threats to habitability and thus potentially interfere with RMI's ability to safeguard its population. In the nexus of a security analysis, it is clear that climate change poses serious and physically coercive th

Finally, in a discussion over the relationship between climate impacts, resources and security, it should be of particular interest to the international community the presence of

many constraints in practice and their populations would be likely to find themselves largely in a situation that would be similar to,

aspects (relating to territorial integrity) as well as both direct and driver- causes of conflict. That entire nations could face legal and physical complexities, if not threats and questions, to their existence is, without argument, not only an issue of international peace and security, but a deep question which should be addressed directly by the Member States, relevant organs, and Secretary-General of the United Nations.

**Potential Means of Treatment: Possible Elements  
for a “Way Forward” on Climate and Security**

Having defined the boundaries of the security implications of climate change, it is appropriate to advance some possible elements for consideration in treatment of the topic of climate change and security. These are not, by any means, definitive. Rather, they are placed for the consideration and to inform subsequent informal discussion of a “way forward.” As such, the elements below are merely preliminary and a “work in progress” which should be informed by views of other member states and intergovernmental organizations, as well as additional discourse.

There have been frequent and increasing discussions across the international system and throughout the UN on issues pertaining to security and climate change; a range of views

Rapporteurs or special representatives often brief respective bodies on situations and progress on issues within their respective mandates.

It should be noted that both the General Assembly and Security Council have an ability to address issues pertaining to climate and security, albeit pursuant to differing articles and mandates. Each organ has a unique structure and thus each offers a unique character to the structure of its discussions. The General Assembly offers universal membership and its working character is structured accordingly. However, only the Security Council, with its flexible and ad-hoc agenda crafted around ongoing and emerging events, is able to bring quick attention to such matters and thus feed into preventative and disaster response measures.

The appointment by relevant UN organs (noting the abilities described above) of special committees or “working groups” could be considered in an ongoing and robust fashion the ‘climate and security’ nexus. An important comparative example is the “Working Group” of the UN Security Council established in relation to Children and Armed Conflict pursuant to UNSCR 1612, which has a number of important characteristics and functions that might be useful in the climate/security context, including monitoring and reporting functions, country visits, and other activities. Particularly pertinent is the Group’s ability to “address requests, as appropriate, to other bodies within the United Nations system for action to support implementation of Security Council resolution 1612





**Appendix A**  
**Basis of of Long-Term Treatment for Climate & Security Issues**  
**under UN Charter Articles 33 & 34**

It is important to consider pathways for addressing international peace and security within the UN organs; basic information is provided regarding the basis of long-term treatment under two key Articles of the UN Charter, for the express purpose of stimulating further discussion.

The function assigned to the GA would be to insist upon and take measures so that States do not threaten or cause a breach of peace (Arts 10, 11, 13); should such an act of aggression or breach of peace be committed or threatened, the SC may take effective collective measures accordingly. The UN can further proceed to an adjustment or settlement of a dispute or situation, under the GA (Art 14) or to the SC. Thus, no particular institution is assigned absolute primacy in taking effective measures.

The Security Council can recommend all procedural steps it considers appropriate to the parties to a dispute, and is not bound by any restrictions in this respect.<sup>10</sup> The Council is founded on the principle of subsidiarity, with the ultimate underlying responsibility for resolution resting, wherever possible, with the parties themselves. Thus, there are no restrictions in action, other that such action be appropriate. The SC may issue recommendations which are not strictly binding, but which may remind parties of responsibilities and obligations which are incumbent upon them pursuant to the UN Charter.

**Peace & Security Activities Under Article 34**

Note the Secretary-General's 2001 report, entitled "Prevention of Armed Conflict," which noted that in the last century, collective security was pursued through reactive, rather than preventative, means, and was defined almost exclusively in military terms. It was clear that the UN needed to address the modern realities of the present century. At that time, the Secretary-General pledged to move the UN "from a culture of reaction to a culture of prevention" and, specifically referred to Article 34 as a relevant tool.

Some activities under Article 34 undertaken in the past have been described, as a means to consider some potential pathways that could inform further UN action on climate and security, particularly in relation to the "long term mechanism" described above.

***Innovative Mechanisms***

In the 2001 report, the Secretary-General further encouraged the Security Council "to consider innovative mechanisms, such as establishing a subsidiary organ, an ad-hoc

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<sup>10</sup> (SC Res. 377 (Oct 22 1975) on Western Sahara; Res. 395 (Aug 25 1976) on the Greek-Turkish conflict over the Aegean Sea).



development. Under Article 98 of the Charter, the Council may entrust the Secretary-General with the investigation, or it may appoint a special representative of the Secretary General. (SC Res 384); in exceptional cases, the Security Council has requested a subsidiary organ of the General Assembly to conduct the investigation (SC Res 163).

Investigations could be useful activities in addressing the long-term implications of climate change.

### Peace and Security Activities under Article 33

The Security Council has consistently embarked on a path of engagement since it

### *Mediation*

A mediator participates in the negotiations between parties and can advance his/her own proposals aimed at a mutually acceptable solution; the Secretary General has repeatedly been mandated by the Security Council to act as mediator.<sup>14</sup> A contact group has also been established in recent situations.<sup>15</sup> Also note the use of Good Offices (not appearing directly in Article 33); a 3<sup>rd</sup> party undertakes efforts to induce parties to a dispute to initiate or resume negotiations.<sup>16</sup>

### *Conciliation*

The relevant UN organs also have the power of Conciliation under Article 33, which combines both elements of inquiry (fact-finding) and mediation. Creation of an organ of conciliation would provide for initial fact-finding, and then for submitting proposals for a solution to address the issue; such proposals are not binding. This mechanism can be either permanent or on an ad-hoc, situation-specific basis. One notes in this regard the UN Model Rules for the Conciliation of Disputes between States, in General Assembly Res. 50/50 (Annex) (Dec. 11, 1995). The Panel for Inquiry and Conciliation was created

### *Referral*

The Security Council has the power of Referral to International Tribunals under Article 33; the General Assembly also has a similar mandate. However, one should note the confidence typically placed in political means of dispute settlement or resolution, which rely upon input and dialogue in arriving at a cooperative solution. In addition, if the object of a claim disappears, the application becomes inadmissible.<sup>17</sup>

There are a range of complex questions raised, but not yet resolved, by long-term security implications of climate change. Given the lack of a direct precedent, strong efforts should be made to address this issue at a political level relying upon open discussion and input. Nevertheless, referral to the ICJ should

under UNCLOS discussions, including those within the General Assembly, of the specific question relating to boundary definition and climate impacts will help to inform the treatment of the security implications of climate change most directly as it relates to issues of sovereignty. The issues of changing boundaries are most pertinent to low-lying island nations and their legal personality. However, such issues are admittedly global in

Article 6 (noting that for islands on atolls or with fringing reefs, the baseline for measuring the territorial sea is the seaward low-water line of the reef as marked on charts officially recognized by the coastal state);

Article 7 (noting that because of a delta or other natural conditions creating an unstable coastline, demarkation points may be selected at the furthest seaward extent of the low-water line; until such a submission is made, a straight baseline as currently exists "remains effective");

Article 13.2 (stating that where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or island, it has no territorial sea of its own);

Article 60 (stating that states may create artificial islands or physical structures, but that these do not have same status as islands in Article 121, and thus do not affect delimitation)

Claims to jurisdiction over "historic waters" under Article 10.6;

ICJ caselaw (Anglo-Norwegian Fisheries case – 1951 ICJ Rep. 116 at 133, holding that, in boundary delimitation, one could take into account "certain economic interests peculiar to a region, the reality and importance of which are clearly envisioned by a long useage"); additional caselaw should be examined;

The use of joint development areas in disputed maritime/coastal regions;

Recent legal scholarship regarding UNCLOS, baselines and climate change (noting "Maritime Rights of Coastal States and Climate Change: Should States Adapt to Submerged Boundaries," a 2008 study by Charles Di Leva, Chief Counsel, World Bank);

Article 76 (states have the ability to submit to the UN which permanently describes the outer limits of the continental shelf);

UNCLOS does not expressly provide that, in all circumstances, boundaries would shift in response to climate change; but neither is there a mechanism to permanently "fix" an EEZ. A common and strict legal interpretation is that EEZ boundaries are modern or



