

# INTERNATIONAL LAW AND SEA LEVEL RISE: THE NEW ILA COMMITTEE

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I.	ASSESSING CLIMATE CHANGE IN THE NEW EPOCH.....	397
II.	GENERAL OVERVIEW OF THE LAW OF THE SEA ISSUES.....	403
III.	GENERAL HUMAN RIGHTS AND FORCED MIGRATION ISSUES .....	404
IV.	CONCLUSIONS .....	408

## I. ASSESSING CLIMATE CHANGE IN THE NEW EPOCH

The Intergovernmental Panel on Climate Change (IPCC) has now released its Fifth Report.<sup>1</sup> This report, which includes inputs from the world's leading climate scientists, concludes that climate change is already taking place and that the majority of it is anthropogenic.<sup>2</sup> One of the most obvious manifestations of this change, apart from the growing number of extreme weather events, is the rising of sea levels as ice melts and the oceans warm. IPCC's 5th Assessment Report (AR5) concludes that the predictions of possible sea-level rises it made in its 4<sup>th</sup> Assessment Report in 2007 were seriously underestimated.<sup>3</sup> It now predicts approximately one meter by 2100, with "a strong regional pattern, with some places experiencing significant deviations of local and regional sea level change from the global mean change."<sup>4</sup> Predictions beyond 2100 depend, to a large extent, on the mitigation of greenhouse gases agreed upon and implemented

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1. For the Synthesis Report approved November 1, 2014, see *Climate Change 2014 Synthesis Report Summary for Policymakers*, available at [http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR\\_AR5\\_SPMcorr2.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_SPMcorr2.pdf) (last visited Jan. 21, 2015) [hereinafter AR5].

2. *Id.*

3. *Climate Change 2013: The Physical Science Basis*, 1140, available at [http://www.climatechange2013.org/images/report/WG1AR5\\_ALL\\_FINAL.pdf](http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf) (last visited Jan. 21, 2015) [hereinafter IPCC AR5, Chapter 13].

4. *Id.*

by states under the UN Framework Convention on Climate Change (UNFCCC) regime.<sup>5</sup>

In the early 1990s, during the time of the negotiation of the 1992 UNFCCC,<sup>6</sup> there was some consideration by international lawyers of the impacts of sea level rise on the existing framework of international law, particularly on maritime zones.<sup>7</sup> The issue has attracted a lot of recent attention focused particularly on the threats to small island states and states with low lying coastlines, in relation to maritime zone issues, as well as threats to human rights and possibly even the very existence of states.<sup>8</sup>

Two sets of concerns voiced by scientists may give rise to issues of fundamental importance for international law. The first set of concerns relates to scientific uncertainty that results from different predictions and uneven impacts of sea level rise.<sup>9</sup> While scientists do agree that one of the most certain outcomes of a warmer world is an increase in global sea levels, which has been confirmed by AR5, the actual amount of sea level rise is uncertain, even for the current century; and it is likely to be uneven and episodic with notable regional variations.<sup>10</sup>

The second and related concern is an overarching one. As a result of human activities, the Earth may be undergoing a shift from the most recent known geological epoch, the Holocene, to a new epoch.<sup>11</sup> The Holocene,

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5. Although for a skeptical view, see David Freestone, *Can the UN Climate Regime Respond to the Challenges of Sea Level Rise?*, 35 U. HAW. L. REV. 671–85 (2013).

6. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (2014), [http://unfccc.int/essential\\_background/convention/items/6036.php](http://unfccc.int/essential_background/convention/items/6036.php) (last visited Jan. 23, 2015).

7. See A.H.A. Soons, *The Effects of Sea Level Rise on Maritime Limits and Boundaries*, 37 NETH. INT'L L. REV. 207–32 (1990); see also David D. Caron, *When Law makes Climate Change Worse: Rethinking the Law of Baselines in light of Rising Sea Level*, 17 ECOLOGY L.Q. 621 (1990); David Freestone, *International Law and Sea Level Rise*, in INTERNATIONAL LAW AND GLOBAL CLIMATE CHANGE 109–25 (Robin R. Churchill & David Freestone eds., London/Dordrecht: Graham and Trotman/Martinus Nijhoff, 1991); see also Eric Bird & Victor Prescott, *Rising Global Sea Levels and National Maritime Claims*, 1 MARINE POLICY REPORTS, 177–96 (1989).

8. See Davor Vidas and Peter Johan Schei, *The World Ocean in Globalisation: Challenges and responses for the Anthropocene Epoch*, in THE WORLD OCEAN IN GLOBALISATION 3–15 (Davor Vidas & Peter Schei eds., Martinus Nijhoff, 2011); see also e.g., INTERNATIONAL LAW IN THE ERA OF CLIMATE CHANGE (Rosemary Rayfuse & Shirley V. Scott eds., Edward Elgar Pub'g. 2012); THREATENED ISLAND NATIONS, (Michael Gerrard & Greg Warnier eds., Cambridge Univ. Press, 2013); see also Davor Vidas, *Sea-level Rise and International Law: At the Convergence of Two Epochs*, 4 CLIMATE LAW 70–84 (2014).

9. AR5, *supra* note 1.

10. IPCC AR5, Chapter 13, *supra* note 3.

11. Vidas & Schei, *supra* note 8, at 3.

which has covered the last 11,700 years,<sup>12</sup> has been characterized by relative environmental stability, especially in the later Holocene—a factor which has been significant for the development of human civilization. The new epoch, the Anthropocene, will be characterized by a considerable degree of instability and uncertainty. In 2009, the International Commission on Stratigraphy—the organization concerned on a global scale with examination and approval of changes in geological time units—established the “Anthropocene Working Group,” to examine the stratigraphic basis for the term “Anthropocene” and to consider the justification for its possible formalization as the most recent geological time unit.<sup>13</sup> The initial findings of the working group are expected in 2016.<sup>14</sup>

Formal change of the geological time scale, due to the recognition of the Anthropocene as a new epoch in the geological history of our planet, could critically raise awareness and highlight the magnitude of human impact on the Earth System. This prompts some fundamental reflection on contemporary social structures including international law.

Core aspects of international law have been based on our experience so far, thus relying on the stability of late Holocene conditions. Due to their perceived stability, geographical features are taken as a key objective circumstance in determining the rights of states to maritime zones, as well as in resolving maritime delimitation disputes.<sup>15</sup> Having a defined territory is a basic criterion of statehood under international law.<sup>16</sup> In a not too distant future, important questions may arise about the sustainability of

12. See UNIVERSITY OF CALIFORNIA MUSEUM OF PALEONTOLOGY (June 10, 2011), <http://www.ucmp.berkeley.edu/quaternary/holocene.php> (last visited Feb. 23, 2015)

The Holocene is the name given to the last 11,700 years of the Earth's history—the time since the end of the last major glacial epoch, or “ice age.” Since then, there have been small-scale climate shifts—notably the “Little Ice Age” between about 1200 and 1700 A.D.—but in general, the Holocene has been a relatively warm period in between ice ages.

13. Vidas & Schei, *supra* note 8, at 4. See also Jan Zalasiewicz and Mark Williams, *The Anthropocene Ocean in its Deep Time Context*, in *THE WORLD OCEAN IN GLOBALISAION 19–35* (DAVOR VIDAS AND PETER SCHEI EDS., Martinus Nijhoff, 2011).

14. *Working Group on the “Anthropocene”*, SUBCOMM’N. ON QUATERNARY STRATIGRAPHY, (Mar. 13, 2015), <http://quaternary.stratigraphy.org/workinggroups/anthropocene/> (last visited Jan. 21, 2015).

15. Vidas & Schei, *supra* note 8, at 6.

16. See Caron, *supra* note 7; see also Freestone *supra* note 7; see also Bird & Prescott, *supra* note 7; see also Rosemary Rayfuse, *International Law and Disappearing States: Maritime Zones and the Criteria for Statehood*, 41 ENVIRONMENTAL POLICY AND LAW 281–87 (2011); see also Vidas, *supra* note 8, at 77 & 82–83; see also International Law Association, *Sofia Conference International Law on Sustainable Development*, ILA, available at <http://www.ila-hq.org/download.cfm/docid/69558942-B224-4755-9AE249CDEB1278D0> (last visited Jan. 21, 2015) [hereinafter *Sofia Conference*].

those aspects of international law. At that time other issues, such as the human rights of the populations of states may, acquire new dimensions. In light of the totality of the circumstances, this calls for a profound re-examination of some currently accepted paradigms of international law. At least three new perspectives for the development of international law will have to be considered.

The first perspective to be considered is the pressing importance attributed to the phenomenon of sea level rise as a consequence of climate change. This is evident from comparison of the two latest Assessment Reports issued by the IPCC, both in the extent to which these focus on the issue of sea level rise and in the projections presented.<sup>17</sup> The IPCC estimates, publicly presented in September 2013, indicate sea level rise up to ninety-eight centimeters—a considerable increase compared to the 2007 projections of up to fifty-nine centimeters.<sup>18</sup> As explained in the IPCC 2013 report, this discrepancy is due primarily to new and improved modeling of land-ice contributions.<sup>19</sup> Based on currently available scientific knowledge, it can be concluded that a serious increase in sea levels is likely in the present century. A review of recent scientific literature on sea level rise indicates that, in a world that has warmed by 4° Celsius by the year 2100, global sea levels would increase between one-half and two meters.<sup>20</sup>

The second perspective is the increasing relevance of insights from geology in the context of climate change and sea level rise.<sup>21</sup> An official change in the geologic time scale, recognizing the Anthropocene as a new epoch in the geological history of our planet, could critically raise awareness and highlight the magnitude of the human impact on the Earth System. Whereas our generation may be the first to become aware of this shift in geological epochs, the impacts will be felt by many future generations. As indicated above, this should prompt fundamental reflection on our current social structures.

The third perspective is the relevance of the Anthropocene and sea level rise in international law.<sup>22</sup> The latter is the main legal mechanism for regulating relations between the subjects in the international community.<sup>23</sup> In several core aspects, however, current international law is a system of

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17. See AR5, *supra* note 1, at 5.

18. IPCC AR5, Chapter 13, *supra* note 3, at 1140.

19. *Id.* at 1139.

20. *Id.*

21. Vidas & Schei, *supra* note 8, at 4.

22. *Id.*

23. *Id.*

established for the specific purpose of addressing this range of concerns.<sup>29</sup>

Flowing from this, a resolution of the 75th ILA Conference (held in Sofia, in 2012) was adopted.<sup>30</sup> ILA Resolution No. 1/2012 recognized,

[S]ubstantial territorial loss resulting from sea-level rise is an issue that extends beyond baselines and the law of the sea, and encompasses consideration at a junction of several facets of international law, including such fundamental aspects as: elements of statehood under international law, human rights, refugee law, and access to resources, as well as broader issues of international peace and security.<sup>31</sup>

It further acknowledged that the “issue requires consideration by a committee established for the specific purpose of addressing this broad range of concerns.”<sup>32</sup>

Later the same year, the Executive Council of the ILA established a new International Committee; the Committee International Law and Sea Level Rise.<sup>33</sup> Membership of the Committee was appointed in several rounds in the course of 2013 and 2014.<sup>34</sup> The Committee now numbers twenty-five members as well as five alternates.<sup>35</sup>

The mandate of the new Committee, as approved by the ILA Executive Council, is to:

[S]tudy the possible impacts of sea-level rise and the implications under international law of the partial and complete inundation of state territory, or depopulation thereof, in particular of small island and low-lying states; and to develop proposals for the progressive development of international law in relation to the possible loss of all or of parts of state territory and maritime

29. *Id.* at 30–31 (emphasis added).

30. *International Law Association, International Law and Sea Level Rise Committee*, <http://www.ila-hq.org/en/committees/index.cfm/cid/1043> (last visited Jan. 23, 2015).

31. *Id.* at 31.

32. *Id.*

33. *International Law and Sea Level Rise Committee*, *supra* note 30.

34. Minutes from a Closed Session, *International Committee on International Law and Sea Level Rise* (Apr. 9, 2014), available at [www.ila-hq.org/download.cfm/docid/1613A3F9-2EC9-48ED-8E8E6EAB357F9A1B](http://www.ila-hq.org/download.cfm/docid/1613A3F9-2EC9-48ED-8E8E6EAB357F9A1B) (last visited Feb. 7, 2015).

35. As of November 9, 2014, see generally *International Law Association, International Law and Sea Level Rise Committee List*, ILA (2008), <http://www.ila-hq.org/en/committees/index.cfm/cid/1043/member/1> (last visited Jan. 23, 2015).

zones due to sea-level rise, including the impacts on statehood, nationality, and human rights.<sup>36</sup>

The chair of the new Committee is Professor Davor Vidas from the Fridtjof Nansen Institute in Norway.<sup>37</sup> The Committee has two co-rapporteurs: Professor David Freestone is rapporteur for the law of the sea issues involved and Professor Jane McAdam is rapporteur for the forced migration and human rights issues. Each of the rapporteurs prepared a short paper for the Committee identifying key issues, which are summarized below.

## II. GENERAL OVERVIEW OF THE LAW OF THE SEA ISSUES<sup>38</sup>

As outlined above, the IPCC AR5, which posits an approximate one meter sea level rise by 2100, can now be taken as a conservative estimate with “a strong regional pattern, with some places experiencing significant deviations of local and regional sea level change from the global mean change.”<sup>39</sup>

This change in sea level rise poses potentially disastrous implications for many coastal states, especially those with large, heavily populated and low-lying coastal areas as well as small, low-lying island states. In addition to the essentially terrestrial, inward-looking threat posed to low-lying coastal areas and their associated populations from inundation by rising seas, threats also exist looking outwards from the land to the ocean spaces adjacent to such threatened territories.<sup>40</sup> In particular, sea level rise has the potential to significantly impact national claims to maritime jurisdiction rights to the outward extent of maritime zones. It will also impact coastal areas where wetlands and other sites may be protected by international treaty regimes.<sup>41</sup>

Generally, the coastal baseline from which states’ maritime zones are measured is the “normal” low water line.<sup>42</sup> From this baseline states may measure their territorial sea, contiguous zone, exclusive economic zone

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36. *International Law and Sea Level Rise Committee*, *supra* note 30.

37. *International Law and Sea Level Rise Committee List*, *supra* note 35.

38. This section is based on an internal paper drafted by Professor Freestone for the Committee.

39. IPCC AR5, Chapter 13, *supra* note 3, at 1140.

40. Clive Schofield and David Freestone, *Options to Protect Coastlines and Secure Maritime Jurisdictional Claims in the Face of Global Sea Level Rise*, in THREATENED ISLAND NATIONS 141–65, 144 (Michael Gerrard & Greg Warnier eds., Cambridge Univ. Press 2013).

41. *Id.* at 143.

42. Sofia Conference, *supra* note 15, at 2.

(EEZ) and continental shelf.<sup>43</sup> Consequently, if the low water mark recedes as a result of inundation and sea level rise, this may affect the measurement of an entire country's maritime zones. Because coastal states' baselines are predominantly based on the "normal" low-water line, if those "normal" baselines recede as a consequence of sea level rise, so too will the maritime zones measured from such baselines, leading to the erosion of the coastal state's maritime claims.<sup>44</sup> Further, sea level rise has the potential to inundate small islands and other geographical features which may also be used as exceptional base points and this too may have major impacts on the capacity of a feature to generate maritime jurisdictional claims.<sup>45</sup>

Some low-lying island states, already under pressure, may find their land area rendered uninhabitable well before they are overrun by the sea. This raises questions as to the ability of island states to maintain their legal existence without a habitable land area and to maintain sovereign rights over the resources of the EEZ appurtenant to those land areas.<sup>46</sup> How will international law be able to respond to these huge challenges? Is this something that needs to be addressed by treaty law or is customary international law sufficiently flexible to address these challenges, and what would be the mechanisms for this?<sup>47</sup>

### III. GENERAL HUMAN RIGHTS AND FORCED MIGRATION ISSUES<sup>48</sup>

Small island states are likely to become uninhabitable for reasons other than sea level rise long before they physically disappear. Insufficient fresh water, coastal erosion and increased salinization of the soil, combined with other stressors such as overcrowding and land scarcity, are already

43. *Id.* at 4.

44. Schofield & Freestone, *supra* note 40, at 157.

45. Freestone, *supra* note 7, at 675.

46. Coastal states may claim a range of maritime zones from their base lines including a 200 mile EEZ in which they exercise "sovereign rights" for the purposes of exploring, exploiting, conserving and managing its resources. Part V of the 1982 UN Convention on the Law of the Sea (UNCLOS) 21 ILM 1261 (1982); see also Rosemary Rayfuse, *Sea Level Rise and Maritime Zones: Preserving the Entitlements of "Disappearing States"*, in THREATENED ISLAND NATIONS 167-91 (Michael Gerrard & Greg Warnier eds., Cambridge Univ. Press, 2013).

47. *Id.* at 163-65.

48. This section of the article is based on an internal paper prepared for the Committee by Professor Jane McAdam. See further Jane McAdam, *Legal and Protection Policy Research Series, Climate Change Displacement and International Law: Complementary Protection Standards*, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) (May 2011), available at <http://www.unhcr.org/4dffa16e99.pdf> (last visited Jan. 23, 2015).

compromising the long-term viability of the populations in some countries.<sup>49</sup>

Compared to other scenarios where climate change is likely to impact migration, communities living in states at risk of sea level rise face a unique challenge: what happens if the state can no longer support its population at all? Or what if only very few people remain behind and the rest relocate? International refugee law and the law on statelessness are unlikely to offer protection in such cases. Furthermore, migration law is highly discretionary and there is no general right to be admitted to another country.<sup>50</sup>

A considerable amount of fine-grained empirical research undertaken in the past few years has enabled migration scholars to reach a general consensus about the likely impacts of climate change on human mobility.<sup>51</sup> One significant contribution was the 2011 *Foresight* report commissioned by the UK Government Office for Science, which involved some 350 experts in over thirty countries across a range of various disciplines.<sup>52</sup> Using the best available science and other evidence to develop a vision for how migration might be affected by environmental change, including climate change, between now and 2060, it aimed to identify issues that policymakers need to consider to ensure that new policies and legal frameworks would be responsive (and resilient) to a wide range of future uncertainties.<sup>53</sup>

The *Foresight* report reiterated the view that while climate change will affect (and is already affecting) migration, it will do so *in combination with* a range of other economic, social and political drivers which themselves affect migration.<sup>54</sup> The complexity of these drivers means that it will rarely be possible to single out climate change as a sole cause of movement. It is therefore conceptually sounder to regard climate change-related movement as a part of global migration dynamics, rather than as an independent category.

There is now a general consensus among migration scholars that:

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49. See *id.* at 11–12.

50. *Id.* at 11 (“stating current legal regimes are hardly sufficient to address their very specific needs . . .”).

51. See *Migration and Global Environmental Change: Future Challenges and Opportunities*, FORESIGHT, LONDON GOVERNMENT OFFICE FOR SCIENCE, 123–24 (2011), available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287717/11-1116-migration-and-global-environmental-change.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287717/11-1116-migration-and-global-environmental-change.pdf) (last visited Feb. 7, 2015) [hereinafter FORESIGHT].

52. See *id.* at Forward.

53. *Id.* at 124.

54. *Id.* at 125.



- (a) climate change-related movement is a multi-causal phenomenon;
- (b) most movement will be within countries rather than across borders;
- (c) climate-change related movement is likely to take different forms, and will require a variety of responses at the local, national, regional and international levels;
- (d) migration is a rational adaptation strategy to climate change processes, and should be supported as such;
- (e) most people do not want to leave their homes, and sometimes the most vulnerable will not be able to move;
- (f) there is a need to strengthen legal, policy, institutional and administrative frameworks;
- (g) planning and policy must be underpinned by a strong scientific and empirical basis;
- (h) policy needs to be proactive, not just remedial;
- (i) there is a need to strengthen operational and technical capacities, including through further funding;
- (j) there must be sufficient budgetary support for long-term planning;
- (k) affected populations should be included in decision-making through participatory processes;
- (l) comprehensive approaches are needed—for example, migration management should be linked with other policy objectives, including climate change adaptation, disaster risk reduction, humanitarian responses and sustainable development;
- (m) multi-stakeholder partnerships, involving public and private service actors, need to be developed; and
- (n) all responses should be underpinned by basic human rights principles.<sup>55</sup>

Migration is a normal adaptive response to environmental or climate change, and can be a very effective way to build long-term resilience.<sup>56</sup> However, the extent to which migration functions as a positive form of adaptation, rather than as a sign of vulnerability, depends on people's socio-economic status and the extent of government and other assistance available to them. More resilient households will use migration as an adaptation

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55. JANE MCADAM, CLIMATE CHANGE, FORCED MIGRATION, AND INTERNATIONAL LAW 235–36 (Oxford Univ. Press 2012); see also FORESIGHT, *supra* note 51 (drawing on academic literature, reports, and deliberations).

56. FORESIGHT, *supra* note 51, at 9.

strategy to enhance their resilience to climate change.<sup>57</sup> As a risk management tool, it can help to diversify livelihoods and improve the household's economic condition (and possibly also social status).<sup>58</sup> Such migration is facilitated by social and kinship networks, education, assets and community or government support programmes.<sup>59</sup> However, less resilient households will migrate "to survive, but not flourish."<sup>60</sup> For them, movement is an "erosive coping strategy" that highlights their vulnerability.<sup>61</sup> This is why the legal structures that states put in place will "play a leading role in determining the degree to which migration is a form of adaptation, or an indicator of a failure to adapt."<sup>62</sup> Climate change impacts may lead to a downward spiral, because if environmental change degrades people's homes and livelihoods, then their ability to move may also be reduced. Thus, populations may become "trapped."<sup>63</sup>

As the *Foresight* report noted: "[p]reventing or constraining migration is not a "no risk" option, since it will lead to "increased impoverishment, displacement and irregular migration in many settings."<sup>64</sup> By contrast, allowing people to move voluntarily, through regular migration pathways, for instance, may enable some households to remain in their home environment longer.<sup>65</sup> Planned and managed migration can lessen the

57. See, e.g., Koko Warner, et al., *Where the Rain Falls: Climate Change, Food and Livelihood Security, and Migration*, 1–142, 20, 98 (Nov. 2012), [http://i.unu.edu/media/unu.edu/publication/31459/WTRF\\_Global\\_Policy\\_Report\\_smaller.pdf](http://i.unu.edu/media/unu.edu/publication/31459/WTRF_Global_Policy_Report_smaller.pdf) (last visited Feb. 17, 2015).

58. See, e.g., Syeda Rozana Rashid, *Migration for Livelihood: Social Protection Issues of Rural Bangladeshis*, in *SOCIAL PROTECTION AND LIVELIHOODS: MARGINALISED MIGRANT WORKERS OF INDIA AND BANGLADESH* 166 (Chowdhury R Abrar & Janet Seeley eds., The Univ. Press, Dhaka, 2009).

59. *Id.* at 174–75.

60. Koko Warner, et al., *Changing Climates, Moving People: Framing Migration, Displacement and Planned Relocation* 1–57, 21 (UN Univ. Policy Brief No 8, June 2013).

61. *Id.* at 1.

62. Koko Warner, *Assessing Institutional and Governance Needs Related to Environmental Change and Human Migration* 1–19, 8 (Study Team on Climate-Induced Migration, German Marshall Fund of the United States, June 2010).

63. See *FORESIGHT*, *supra* note 51, at 9.

64. *Id.*

65. See McAdam, *supra* note 55, at 35–36. While Jon Barnett supports voluntary migration, he cautions that for small and remote islands, there is a minimum population threshold below which vulnerability increase. Jon Barnett, *On the Risks of Engineering Mobility to Reduce Vulnerability to Climate Change: Insights from a Small Island State*, in *CLIMATE CHANGE AND HUMAN MOBILITY: GLOBAL CHALLENGES TO THE SOCIAL SCIENCES* 186 (Kirsten Hastrup & Karen Fog Olwig eds., Cambridge Univ. Press, Cambridge, 2012).

likelihood of later humanitarian emergencies and displacement. This is of particular importance for small island states.<sup>66</sup>

While relocation is sometimes mooted as a solution, this is a very fraught and highly complex issue. The consequences of past cross-border relocations of whole communities are mixed,<sup>67</sup> and as the Chairman's Summary of the Nansen Conference on Climate Change and Displacement in 2011 noted, "moving communities in anticipation of climate-related hazards may precipitate vulnerability rather than avoiding it, and should only be considered when adequate alternatives that enable people to rebuild their lives is available."<sup>68</sup> Barnett and O'Neill caution that the relocation of island communities to reduce their exposure to climate change may in some cases be "maladaptive," because it risks increasing the vulnerability of "other systems, sectors or social groups."<sup>69</sup> They argue instead that increased voluntary labour mobility, for example, may carry "fewer risks and larger rewards in terms of adapting to climate change."<sup>70</sup>

#### IV. CONCLUSIONS

The Committee is in an early phase of its work. As the previous discussion has indicated, there is already a large and growing academic literature on this subject. The Committee held its first meetings at the 76<sup>th</sup> Biennial ILA Conference, (in Washington DC, April 7–11, 2014) and will be making its first (interim) report to the 77<sup>th</sup> Conference in South Africa in 2016, following an intersessional meeting of the Committee to be held in Oslo, Norway in June 2015.<sup>71</sup>

66. Barnett, *supra* note 65, at 175.

67. See Jane McAdam, *Historical Cross-Border Relocations in the Pacific: Lessons for Planned Relocations in the Context of Climate Change*, 49 J. PAC. HIST. 301 (2014); see also Gil Marvel Tabucanon, *The Banaban Resettlement: Implications for Pacific Environmental Migration*, 35 PAC. STUD. 343–70 no.3, 343, 360–61 (2012).

68. Chairperson's Summary, *Nansen Conference on Climate Change and Displacement in the 21st Century*, 1-19, 9 (June 2011); Jon Barnett & Michael Webber, *Accommodating Migration to Promote Adaptation to Climate Change* 29 (Comm'n. on Climate Change and Dev. and the World Bank World Dev. Rep., No. 5270, 2010) (writing, "[m]oving communities in anticipation of climate change may precipitate vulnerability more than it avoids it . . .").

69. Jon Barnett & Saffron J O'Neill, *Islands, Resettlement and Adaptation*, 2 NATURE CLIMATE CHANGE 8, 9 (2012).

70. *Id.* at 10.

71. *Biennial Conference*, AM. BRANCH OF THE INT'L LAW ASS'N (2015), [http://www.ila-american-branch.org/Biennial\\_Conf.aspx](http://www.ila-american-branch.org/Biennial_Conf.aspx) (last visited Jan 22, 2015).