

Climate change and low lying islands of the Pacific

By Michael Finnane QC



Michael Finnane and John O'Meally walking on the sea wall on South Tarawa.

Climate change is a reality in Australia as well as elsewhere. The recent storm damage to houses and properties on the northern beaches of Sydney made that clear. However, many people do not seem to realise how important this issue is.

In 2013, Judge John O'Meally and I both travelled to the island of South Tarawa in the Pacific nation of Kiribati. South Tarawa, the capital of Kiribati, like 31 of the other 32 islands in the group, is a coral atoll, with its highest point two metres above the Pacific Ocean.

Our aim was to find out for ourselves what it was like to live on these coral atolls. What we found was a rich and vibrant culture, with songs in the night air, people who laughed and welcomed us warmly and invited us to see and share their culture with them. They talked of their beautiful life and their desire to keep it.

The Australian High Commissioner told us that many people left the islands, some to get big jobs in other parts of the world, but they often returned to become part of the culture again. In fact, we met a

number of people who had returned after living in the United States and Europe and had returned because lives in those parts of the world seemed so empty. I could see why they came back.

They also told us of coastal erosion caused by increasing storm surges, the ingress of salt water into parts of the island and bigger king tides and long periods of drought. Obviously enough, life on the islands, because of these climate change events, will increasingly become more difficult.

We both found it quite confronting to stand on land and only two metres below was the Pacific Ocean.

In 2015, I visited Tuvalu, another Pacific Ocean nation of low lying coral atolls and found similar threats to their future posed by climate change.

Bailey Koulapi is a 34 year-old tertiary educated Red Cross volunteer who lives in Tuvalu. Kotei Temakei is a 22 year-old TAFE student who lives in Kiribati. Bailey and Kotei came to Australia in June to take part in a program being run by the Pacific Calling Partnership

with the aim of meeting Australians and alerting them to the reality of climate change. They are both living in Island nations that face becoming unliveable if climate change is not addressed by countries in the developed world, like Australia.

Tuvalu, formerly the Ellice Islands, is a Polynesian Island nation located in the Pacific Ocean midway between Hawaii and Australia and south of Kiribati. Tuvalu comprises 9 islands and has a population of about 11,000. The islands of Tuvalu are coral atolls and no more than 4.6 metres above sea level at their highest points.

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Kiribati, formerly the Gilbert Islands, is a Micronesian island nation comprising 33 islands spread over an area as large as the width of Australia. It has a population of approximately 105,000. The islands of Kiribati, with the exception of Banaba, are also coral atolls, which, on average, are only 2 metres above sea level.

Neither country has much in the way of material resources. The only substantial industry on these island chains is the fishing industry, with each nation being paid royalties by European and Asian companies that send boats to fish in their waters. Some coconut products are exported and there is a small amount of tourism.

Among the community leaders with whom Kotei and Bailey met on Tuesday,

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Salt water on land, South Tarawa

14 June 2016 were a group of lawyers of whom I was one, with Vincent Sicari and Scott Christie of the Edmund Rice Centre. With me were two barristers, Mandy Tibby and Shane Prince. The two young islander men made a presentation to us of their concerns about climate change. The meeting was in the Board Room of Counsels Chambers on the First Floor of Selborne Chambers in Phillip Street Sydney

They spoke strongly about climate justice pointing out that the island groups did not contribute to climate change at all but their big neighbours Australia and New Zealand did, because of the greenhouse gas emissions from their heavy industry and, in the case of Australia, with the production, use and export of coal.

During my visits to Kiribati and Tuvalu, I saw for myself what it is like to live on islands that are as close to the sea as the promenades along Eastern Suburbs beaches like Bondi, Coogee and Maroubra. I have seen the water from the sea come into houses and cover fields. When each of these two young men spoke, however, it made even more real to me the difficulties of people living on these coral atolls and facing the prospect of continuing climate change.

Bailey has an interest in social work that led him to volunteer with the Red Cross. Bailey said: 'I am from the island nation of Tuvalu, which is so vulnerable to climate change, resulting in more powerful cyclones and other severe weather events. I am a volunteer with the Red Cross and I was sent by the Red

Cross to help assess the damage and urgent needs in the outer islands after Cyclone Pam.'

He described how in February 2015 Cyclone Pam hit the outer islands of Tuvalu, causing very severe damage to buildings and crops, as well as to their water supplies. During the aftermath of the cyclone the Red Cross sent him to these islands. This meant a boat trip from Funafuti, of more than a day. What he saw when he got there horrified him. The cyclone hit the islands with such force that it opened graves on the island, tipping out skeletons and body parts onto the islands and into the sea. He could smell the stench of decaying body parts and was concerned about how the opening of the graves would affect the water supplies on the island.

In Kiribati it is fairly rare for the islands to be struck by cyclones but increasingly they are being adversely affected by storm surges and by longer droughts. Kotei, when he was in Australia, spoke of this, saying: 'In Kiribati, coastal erosion is getting worse. We are losing our land and people have to live closer and closer together. As an *I-Kiribati*, I don't want to lose our islands to climate change. I fear that we will lose our culture alongside our islands. Our culture is our identity and that is what we treasure. Music, dancing, story-telling are part of us and we don't want to lose them.'

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Kotei at Port Newcastle

All the islands are subject to king tides, which occur twice a year when the moon is closer to the earth. These king tides cause erosion of the land and damage to crops. The people of both Tuvalu and Kiribati are finding that king tides are getting higher and causing greater damage. There are also more frequent storm surges which causes salt water to be deposited on the Islands which results in damage to water supplies and to crops. In the future there will also be coral bleaching and decreased fish stocks.

In Australia, these young men and women from the islands, along with two young Fiji-Australians, took part in the KATEP Program (Kiribati, Australia, Tuvalu Exchange Program) run by the Pacific Calling Partnership with the support of Uniting World, OXFAM and many Catholic Congregations that

have connections with the Pacific. The KATEP Program provided training to all the young people in it about advocacy, lobbying politicians and talking to the media. Leadership training was also given.

Because of their concern about the effects of the coal industry, Bailey and Kotei went to Newcastle with others in the program. Newcastle is the Australian port that exports the largest amount of coal. During the time they were in Newcastle, they met local, political and community leaders and observed the loading of coal on to ships and trains and, in the space of an hour were shocked to see four laden coal ships leave the port. The coal dumps in Newcastle are many times higher than any of the islands of Tuvalu and Kiribati. They also observed the scarring of the land around Newcastle caused by the creation of open cut coalmines.

Bailey and Kotei raised the question of banning the extraction and export of coal from Australia, since coal when burnt is a major contributor to climate change.

The raising of the issue of closing down the coal industry in Australia is a confronting one for Australia. Last year leaders from Pacific Island states, including Kiribati and Tuvalu, called for a global moratorium on coal mines as part of the historic Suva Declaration signed at the Pacific Islands Development Forum. At this year's meeting, the leaders discussed a proposed regional treaty agreeing to open no new coalmines or other fossil fuel projects.

The Pacific Island Climate Action Network (PICAN), a diverse network of NGO and faith groups across the Pacific, proposed this idea of a regional treaty. PICAN produced a draft treaty prepared

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in the Law School of the University of the South Pacific. Pacific Island governments will work on this proposal for consideration next year. The aims will include persuading Australia to stop new coalmines.

Bailey and Kotei told us in our discussions with them that they had spoken to Sharon Claydon, the federal member of parliament in Newcastle, Senator Jenny McAllister, and MLC elect John Graham, and also addressed meetings with candidates in the Reid and Kingsford Smith electorates. The purpose of these meetings was to alert members of parliament and other community leaders to the need for climate change action.

One question that is always put to Bailey and Kotei and was put to them during our meeting was: 'Why don't you just migrate to Australia or New Zealand?' Their answer always was that they do not want to move because they fear the loss of their culture and their identity. In both island chains the culture is expressed best through dance and singing and in Kiribati in particular you can hear the people singing at night. In both countries, there are strong family and community bonds, with every islander identifying strongly with the island of

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Bailey at Port Newcastle

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their birth. Christian missionaries have a long association with both of these countries and most people are identified with a Christian church.

There is no doubt, though, that migration to Australia and New Zealand is a real issue, but for how many and in what circumstances? We asked: 'What about sea walls around the islands?', but that does not seem to be a real solution. The cost would be enormous and the long-term benefit uncertain.

Each of these young men impressed us and raised the question for us: 'What can you do to help us?' When that question is asked, I find it difficult to provide a real answer. I can't personally shut down coalmines to prevent coal exports, nor can I prevent the burning of coal in Australia or anywhere else, and yet I know that there must be something I can do. The building of sea walls all around the islands does not seem to be realistic, nor does the abandonment of all these islands. What then is the answer? What is it? That is the challenge issued to all of us. What is it that lawyers can do? Obviously, we have a role in drafting international agreements and we could make our contribution to the promotion and discussion of the Pacific Island treaty.

Lawyers in Australia can be powerful voices in the community. We can influence the development of policy. We can even draft legislation. We can be powerful voices in the fight for climate justice, the transition from coal

to renewable energy and special visa access to people from the low lying Pacific Islands. I have ceased to invest in companies that have anything to do with coal.

One matter that lawyers could work on would be lobbying the Federal government to create a new visa category to assist people from the low lying Pacific Islands to settle in Australia. Over the next 50 years, many of the islands will become largely uninhabitable and the people on them will have to be resettled. Australia is the obvious place. The people will adapt well to Australia as many of them have done so already. We should be welcoming them, just as we welcomed migration flows from the British Isles, Europe, the Middle East and China.

Lawyers, particularly barristers, are trained to think up new legal solutions for problems in the world. If anyone who reads this has any ideas, I would be delighted to get them.