

**Threatened Island Nations Conference  
Columbia Law School  
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**Welcoming and Introductory Remarks  
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Good morning and welcome to Columbia University in the City of New York. Welcome also to all the people around the world who are joining us through our live webcast. My name is Michael Gerrard. I am Andrew Sabin Professor of Professional Practice and Director of the Center for Climate Change Law here at Columbia Law School. I have the honor and privilege of co-chairing this conference with UN Ambassador Phillip Muller of the Republic of the Marshall Islands, who you will be meeting shortly. [We are particularly honored by the presence with us this morning of His Excellency Jurelang Zedkaia, the President of the Republic of the Marshall Islands.]

This conference had its origins in conversations that began in early 2010 with representatives of the Republic of the Marshall Islands Mission to the United Nations. They indicated that, largely as a result of global climate change leading to sea level rise, in some coming decade – no one knows precisely which one – the Marshall Islands and other low-lying coastal nations risk inundation from sea level rise. That horrible – and increasingly likely - risk raises a number of novel legal

questions. If a country is under water, is it still a state? Does it still have a seat at the United Nations? What becomes of its exclusive economic zone? Its fishing rights? Its rights to undersea minerals? Can its statehood be prolonged? What is the citizenship of its displaced people? What are their rights in the places where they will go, and who will have to take them in? And do the country and its people have legal remedies?

In April 2010, I met Ambassador Muller at a conference on climate change and national security held at the United States Military Academy at West Point. We talked about the importance and complexity of these legal issues, and we decided that the best way to address them in the first instance was to convene a conference of legal scholars from around the world. At such a gathering we could learn which of these questions already have answers; which are under consideration and debate; and which may require entirely new approaches and possibly international agreements.

So we issued an open call for papers. We were astonished by the response -- 84 proposals from 23 countries. It turned out that quite a bit of work had been done on the international migration issues, and several conferences on that subject had already taken place. Some work had been done on the issues of statehood and maritime boundaries, and a good deal of thinking had been devoted to the liability questions. Other questions were entirely novel. But there had been no

comprehensive look at the range of legal issues surrounding island nations threatened by sea level rise.

We started with the Marshall Islands, but of course they are far from alone in this plight. These issues are also shared in particular by other low-lying island nations, and also, more broadly, related questions face all small island nations, including the Pacific, Indian and African Ocean regions, and the Caribbean Sea. There are other islands -- though not always island nations -- that are threatened off the coast of every continent. And there are numerous countries where statehood is not at risk but where climate-induced migration or displacement may already be occurring and where these threats are likely to accelerate rapidly over the course of this century.

Thus we have brought together for these three days many of the leading legal scholars from around the world who have thought about these issues. We could not have done so without the very generous financial assistance of a number of co-sponsors that helped pay for the travel expenses, the meals we will be serving, and the other conference logistics and expenses. For this essential assistance, I would like to extend our gratitude to the Earth Institute of Columbia University; the Australian Agency for International Development; the Global Green Growth Institute of the Republic of Korea; the World Bank; and the State of Israel.

I also want to extend my gratitude to two people who have been engaged in the preparations for this conference on a daily basis for the better part of a year. Many of you have been dealing with them directly and know how hard and effectively they have been working -- Gregory Wannier of Columbia's Center for Climate Change Law, and Caleb Christopher of the Republic of the Marshall Islands Mission to the United Nations. In addition, I want to thank all the people of the Marshall Islands who so graciously hosted me and showed me around when I visited there last December.

The involvement of legal scholars is a necessary but not a sufficient part of resolving the issues before us today. The political perspective of the international community will also be essential, particularly the political voices of island nations themselves. New international treaties and national laws are negotiated and approved at the political level. Thus to provide this essential perspective to our discussions, we have invited UN ambassadors and other officials from several of the interested nations to join us on a number of the panels. Our format for most of the panels at this conference will be that first we will hear from the legal and other scholars; then we will hear from the political representatives; then we will have some moderated dialog among the panelists; and then, if time remains, we will invite questions from the audience. We strongly encourage a truly interactive

conference, so we hope audience members will come forward with thoughts and questions.

Because we want to hear from many people, especially audience members, and our time is quite constrained, the panel moderators are under strict instructions from Ambassador Muller and me to keep a close eye on the clock, and to nudge along speakers who are running past their designated time limits. This will have nothing to do with the stature of the speaker or the substance of the remarks -- with due apologies in advance, we will be equal opportunity time enforcers.

Because there were more very high-quality paper proposals than we had time slots, we have also set up poster sessions. There will be a total of 17 poster presentations. They are divided into three groups. As you may have seen coming into this room, the topics that are most relevant to today's discussions are now displayed outside on this floor. The other posters are upstairs in the area where the lunches and some of the receptions will take place. Tomorrow and Wednesday, the posters most relevant to those days will be outside this room, and the others will be upstairs. The printed programs that all of you have describe all the posters and indicate when they will be displayed downstairs. We fully expect this conference to involve far more than the official panels, and we think much of the real intellectual exchange will occur in the time between sessions when people are able to connect with each other. As a part of that process, we strongly urge you to

examine and respond to the research highlighted in the posters. Each of these academics is prepared not only to share and explain their work, but to accept active feedback from conference attendees. I should note that one poster team will be conducting interviews of conference participants as part of their research; if you are amenable we encourage you to share your thoughts with them.

One thing that has become very clear to us already as we have looked at these issues is that an island or low-lying coastal area can become potentially uninhabitable well before it is submerged. Even occasional overwashing by seawater can destroy agricultural productivity and contaminate drinking water supplies. Frequent flooding can render a place so inhospitable and eventually so dangerous that people may no longer be able to live there safely. But it's also clear that the residents of these countries very much want to stay as long as they can, they are nowhere near surrendering their ancestral homelands to the rising seas, and they are looking at their engineering as well as their legal options. Thus we'll spend time on Wednesday looking at some of these design and policy options, which island nations can take on themselves, and explore their connections to some of the legal issues raised on Monday and Tuesday. Of course, sharp cuts to global emissions are the best means to reduce these risks, a fact which cannot be overemphasized, but this conference is focusing on adaptation rather than mitigation.

Let me cover a few logistical details. The mid-morning and mid-afternoon refreshment breaks will be in the halls outside this room. The lunches, and the receptions at the end of today's session and the end of Wednesday's session, will be one level up in this building. You can walk up the stairs that are near the front door to the building, or you can take the elevators up to "3". There are rest rooms on this floor -- just turn right when you leave this room and you'll see them on your left. We have volunteers who will direct people as needed.

Tonight, after the reception, for those of you who aren't headed directly to dinner somewhere, we will be having a little festival of short films about islands threatened by sea level rise. It will be in this room.

Tomorrow night, our formal keynote reception and dinner will feature an address by President Jurelang Zedkaia of the Marshall Islands, and also a talk by Janos Pasztor of the Executive Office of the Secretary-General of the United Nations. That will be held in Low Library. That's the large building in the center of the campus with a dome, pillars and the inscription "The Library of Columbia University." Again, we will have people to provide directions.

I would also like to say a word about what comes after this conference. Many of the issues are too unprecedented and complex to be quickly resolved; we expect the viewpoints to be too diverse and the time too limited to come up with a collective academic statement. However, as Columbia University, we do plan a

good deal of follow up. We will be preparing a book of proceedings. We will continue to post various papers and other materials on our conference web site; as you may have noticed, it already contains a great deal of useful reference information, and we will continually enhance that. A video of the full conference will also be posted on the web site. Further, the Republic of the Marshall Islands has their own role as the political host in addressing these issues.

One of the most important discussions that will take place here concerns whether there is a need for a new international convention on peoples displaced by climate change. Some say yes; some say no. We look forward to a full airing of views on this during tomorrow's session. The question may not be fully resolved here, but we at Columbia do hope to facilitate ongoing discussions and studies on whether such a convention is needed and, if so, on what form it should take and what provisions it should contain.

Before I turn the podium over to our very distinguished next speaker, I want to say a few words for the benefit of all the non-Pacific Islanders in the room, just to put this all in context. Before I became involved in this issue in late 2009, I frankly had only a vague idea of where the Marshall Islands are. So let me show this map.

[Map showing boundaries of the various Pacific Island nations]

The Republic of the Marshall Islands achieved its sovereignty in 1986, following its status as a UN Trust Territory administered by the United States. It has a population of roughly 60,000 people, concentrated in two main centers. It consists of 29 atolls and five isolated islands, spread across an exclusive economic zone of 2 million square kilometers – about the same size as Mexico's total land mass.

[Map]

The northwesterly atolls are Bikini and Enewetok, where between 1946 and 1958 the United States tested 67 nuclear weapons. Toward the middle is the atoll of Kwajalein, which is used today by the United States as the site of the Ronald Reagan Ballistic Missile Defense Test Site. The capital atoll is Majuro.

[Aerial photo]

About half the population of the country now lives in Majuro. As with all atolls, its land derives from coral that grew on the rim of a long-extinct volcano. The narrow road that runs through the middle of Majuro is about 36 miles long. As shown by this photograph that I took when visiting Majuro last December, in many places the atoll is so narrow that the distance between the ocean on one side and the lagoon on the other side is just a few feet, and in most places it is no wider than the distance between Broadway and Amsterdam here on the Columbia University campus.

[photo]

Parts of Majuro are already eroding. This is a shoreline in the area of the atoll called Laura. Much of the sand has washed away, exposing the roots of trees.

[photo]

This is a home that is perilously close to the sea, and whose owner has tried to create his own meager coastal defense by piling up rocks.

[photo]

This is a burial vault that is falling into the sea.

[photo]

When I was there I was told that two other rows of vaults had already been consumed by the sea.

This is a flooding event that occurred on Majuro a few years ago. [In the back you'll see their sole electric power plant, which relies on imported diesel fuel.]

[photo]

The principal drinking water supply on Majuro is rainwater runoff that is collected from the airport runway.

[photo of airport]

The population of Majuro is growing rapidly and includes thousands of children.

[photo of children at bus stop]

During their lifetimes, their atoll, and their country, may become submerged. It falls to us, the adults of today, to help address that possible future. And so I want to thank all of you, especially those of you who have traveled half way around the world to join us today, for your participation in this very important conference.

To save time on our crowded agenda, we won't have lengthy introductions of our speakers. Biographies of all of our speakers as well as of the poster presenters appear in the program books.

It is now my distinct honor to introduce the Honorable John Silk, the Minister of Foreign Affairs of the Republic of the Marshall Islands.