The Nation Ex-Situ

Maxine Burkett
Associate Professor of Law
Director, Center for Island Climate Adaptation and Policy
burkettm@hawaii.edu
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIs
- Concluding Thoughts
  - The Post-Climate Era
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIs
- Concluding Thoughts
  - The Post-Climate Era
OUR ★ ISLAND
OUR ★ FUTURE
TUVALU
FOR SALE
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIs
- Concluding Thoughts
  - The Post-Climate Era
Re-envisioning the State

- Alternative forms of the State are not novel.
- Elements of cosmopolitan theory as well as the evolving conditions of various diaspora prove that a landless – or “virtual” – nation is appropriate and an inevitable evolution of contemporary citizenship and nationhood.
- The extraordinary circumstances of threatened nations alone justify such unique departures from the norm.
Re-envisioning the State

- Alternative forms of the State are not novel.
- Elements of cosmopolitan theory as well as the evolving conditions of various diaspora prove that a landless – or “virtual” – nation is appropriate and an inevitable evolution of contemporary citizenship and nationhood.
- The extraordinary circumstances of threatened nations alone justify such unique departures from the norm.
CREDENTIALS PRESENTED BY SLOVENIA, ROMANIA, EL SALVADOR, AUSTRIA

Rome, 18/05/2011

The Grand Master of the Order of Malta, Fra’ Matthew Festing, received in separate audiences, for the presentation of their Letters of Credence, the new Ambassadors of:
- Slovenia, H.E. Maja Marja LOVENJUŠ ČVETEK (16 May 2011)
- Romania, H.E. Bogdan TATĂRU-CĂZĂÅK (16 May 2011)
- El Salvador, H.E. Manuel Roberto LÓPEZ SÁNCHEZ (19 May 2011)
- Austria, H.E. Alfons M. KLOSE (18 May)

POSTAL AGREEMENT SIGNED BETWEEN ALBANIA AND THE ORDER OF MALTA

Rome, 12/05/2011

On 10 May, the postal agreement between Albania and the Sovereign Military Order of Malta was signed during a ceremony held in the Magistral Palace in Rome. Thanks to this agreement, to become effective in June, a regular postal service will be established between the entire territory of Albania and the places where the Order exercises its sovereign prerogatives.

LOURDES: THE 53RD INTERNATIONAL PILGRIMAGE OF THE ORDER OF MALTA

20/03/2011

Lourdes - First Aid at See View gallery

Around the World
- Europe
- Asia
- Africa
- America

Malteser International
Order of Malta Foundation

Latest interventions of the Order of Malta in the World

- France: Winter assistance for street people 2015-2016
- Rome: The Beatification of John Paul II: the Order of Malta assists pilgrims
- Bolivia: Fighting hunger and poverty at an average elevation of 4,000 meters
- Cameroon: New Unit for the St. John of Malta Hospital
- Rome: South Africa: assisting patients in an area devastated by AIDS

Sovereign Military Hospitalier Order of St. John of Jerusalem of Rhodes and of Malta
1) **What is the Order of Malta?**

The Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta, better known as the Sovereign Order of Malta, has a two-fold nature. It is one of the most ancient Catholic Religious Orders, founded in Jerusalem in around 1048. At the same time it has always been recognised by nations as an independent subject of international law. The Order’s mission is summed up in its motto “Tuitio Fidei et Obsequium Pauperum” – defence of the faith and assistance to the suffering.
6) How is the Order Governed?

The life and activities of the Order are governed by its Constitution and its Code. The head of the Order is the 79th Prince and Grand Master Fra’ Matthew Festing, elected for life by the Council Complete of State. The Grand Master is assisted by the Sovereign Council, in turn elected by the Chapter General (the assembly of the representatives of the Order’s members, that meets once every 5 years). The new Government Council is the advisory body of the Sovereign Council and provides advice on political, religious, medical and international issues. A Board of Auditors performs auditing functions. Both councils are also elected by the Chapter General. Juridical issues are submitted to the Magistical Courts, appointed by the Grand Master and the Sovereign Council.

14) Where is the Order based?

After the loss of the island of Malta, the Order settled permanently in Rome, Italy, in 1834. Its two headquarters, granted with extraterritoriality, are the Magistral Palace in Via dei Condotti 68 – where the Grand Master resides and Government Bodies meet – and the Magistral Villa on the Aventine. The latter hosts the Grand Priory of Rome, the Embassy of the Order to the Holy See and the Embassy of the Order to the Italian Republic.
Tibetan Exiles Elect Scholar as New Prime Minister

By JIM YARDLEY
Published: April 27, 2011

NEW DELHI — Tibet’s exiled government announced the election of a Harvard legal scholar as its new prime minister on Wednesday, a choice signaling a generational shift within the Tibetan movement as the Dalai Lama moves to relinquish political power.

The scholar, Lobsang Sangay, 42, received 55 percent of the roughly 50,000 votes cast by Tibetans scattered around the world. He defeated two other candidates and though his political vision is not yet fully known, he is expected to play a major role in shaping, and possibly sharpening, the political strategy of Tibetan exiles toward China.

“Your overwhelming support is humbling and I will do my utmost to live up to your expectations,” Mr. Sangay wrote in a statement posted on his campaign Web site, noting that Tibetans in 30 countries took part in the election.

Mr. Sangay’s popularity was partly rooted in a desire for generational change in the exiled Tibetan leadership. He will probably take his post this fall with the exile government in Dharamsala, India, and Tibetans and political analysts will be watching closely to gauge whether he will pursue a more radical tack in trying to win concessions from the Chinese on the fate of Tibet.

The Dalai Lama, the Tibetan spiritual leader, has pursued a “middle way” strategy in which he seeks “genuine autonomy” for Tibet under Chinese rule, though many younger Tibetans want outright independence. It remains to be seen whether Mr. Sangay can emerge as an independent political force capable of rallying Tibetans inside and outside Tibet.

Last month, the Dalai Lama, 75, announced his desire to relinquish his role as political leader of the exile government. For years he has pushed to strengthen the democratic
Re-envisioning the State

- Alternative forms of the State are not novel.
- Elements of cosmopolitan theory as well as the evolving conditions of various diaspora prove that a landless – or “virtual” – nation is appropriate and an inevitable evolution of contemporary citizenship and nationhood.
- The extraordinary circumstances of threatened nations alone justify such unique departures from the norm.
The Political World
Cosmopolitan Theory and the Diaspora

<table>
<thead>
<tr>
<th>Diaspora</th>
<th>Jamaica</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.9 - 2.6 million (736,513)</td>
<td>2.9 million</td>
</tr>
<tr>
<td>Detailed group</td>
<td>Native Hawaiian and Other Pacific Islander alone</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>One Pacific Islander group reported¹</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Total</td>
<td>389,612</td>
</tr>
<tr>
<td>Polynesian</td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian</td>
<td>140,652</td>
</tr>
<tr>
<td>Samoan</td>
<td>91,029</td>
</tr>
<tr>
<td>Tongan</td>
<td>27,713</td>
</tr>
<tr>
<td>Tahitian</td>
<td>800</td>
</tr>
<tr>
<td>Tokelauan</td>
<td>129</td>
</tr>
<tr>
<td>Polynesian, not specified</td>
<td>3,497</td>
</tr>
<tr>
<td>Micronesian</td>
<td></td>
</tr>
<tr>
<td>Guamanian or Chamorro</td>
<td>58,240</td>
</tr>
<tr>
<td>Marian Islander</td>
<td>60</td>
</tr>
<tr>
<td>Saipanese</td>
<td>195</td>
</tr>
<tr>
<td>Palauan</td>
<td>2,228</td>
</tr>
<tr>
<td>Carolinian</td>
<td>91</td>
</tr>
<tr>
<td>Kosraeans</td>
<td>157</td>
</tr>
<tr>
<td>Pohnpeians</td>
<td>486</td>
</tr>
<tr>
<td>Chuukese</td>
<td>367</td>
</tr>
<tr>
<td>Yapese</td>
<td>236</td>
</tr>
<tr>
<td>Marshallese</td>
<td>5,479</td>
</tr>
<tr>
<td>I-Kiribati</td>
<td>90</td>
</tr>
<tr>
<td>Micronesian, not specified</td>
<td>7,509</td>
</tr>
<tr>
<td>Melanesian</td>
<td></td>
</tr>
<tr>
<td>Fijian</td>
<td>9,796</td>
</tr>
<tr>
<td>Papua New Guineans</td>
<td>135</td>
</tr>
<tr>
<td>Solomon Islanders</td>
<td>12</td>
</tr>
<tr>
<td>Ni-Vanuatu</td>
<td>11</td>
</tr>
<tr>
<td>Melanesian, not specified</td>
<td>147</td>
</tr>
<tr>
<td>Other Pacific Islander³</td>
<td>40,558</td>
</tr>
</tbody>
</table>
Re-envisioning the State

- Alternative forms of the State are not novel.
- Elements of cosmopolitan theory as well as the evolving conditions of various diaspora prove that a landless – or “virtual” – nation is appropriate and an inevitable evolution of contemporary citizenship and nationhood.
- The extraordinary circumstances of threatened nations alone justify such unique departures from the norm.
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIs
- Concluding Thoughts
  - The Post-Climate Era
Key Features of the Ex-Situ Governance Entity

- To respect the continued sovereign equality of the endangered nation, the United Nations and member states, must act only to support the transition to and establishment of ex-situ nationhood.

- Appointed members of the endangered nations supported by the UN would serve as the political trustee.

- Establishment of an Interim Mission and the Permanent Nation Ex-Situ.

- Member Driven.
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIs
- Concluding Thoughts
  - The Post-Climate Era
ROADMAP

- Migration, Sovereignty, Statelessness
- Re-envisioning the State
- Mapping the Ex-Situ Nation
  - Political Trusteeship
  - RMIes
- Concluding Thoughts
  - The Post-Climate Era
Thank You

Prof. Maxine Burkett
burkettm@hawaii.edu
“Legal feedbacks will not alter the amount of climate change, but will aggravate the suffering that will accompany such change.

The greater the change, the greater the aggravation.”

-Prof. David Caron,