

SAILING THE WAVES ON OUR OWN: CLIMATE CHANGE MIGRATION, SELF-DETERMINATION AND THE CARTERET ISLANDS

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Climate change poses a significant threat to island communities' right to self-determination and forces us to consider how this right can be upheld when people are displaced by climate change. The relocation of communities from the Carteret Islands illustrates the complexities surrounding the right to self-determination in cases of climate-induced migration. This article highlights some of the difficulties that the Carteret Islanders face in achieving self-determination, including land accessibility, environmental and cultural differences with the host community, governance and funding. As the right to self-determination is foundational for other human rights, it is important to consider how island communities can pursue their political, economic, social and cultural development when relocating because of climate change.

I INTRODUCTION

The impacts of climate change on natural and human systems are becoming increasingly evident and it is predicted that climate change will continue to cause sea level rise, changes in precipitation patterns, increased risk of natural disasters and reduced crop yields.¹ While the impacts of climate change are becoming more obvious, the implications for international law and the right to self-determination are less understood. Climate change presents a new challenge to the right to self-determination, especially for island communities facing the prospect of displacement and migration. International law and human rights law establish numerous obligations in regards to the fulfilment of economic, social, cultural and collective rights which are threatened by climate change, particularly where communities are displaced due to rising sea levels and other impacts.² The right to self-determination is particularly affected when communities are forced to move.

Climate change is likely to contribute to both internal and international migration, with current projections estimating that 200 million people will become displaced due to environmental factors

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¹ Intergovernmental Panel on Climate Change ('IPCC'), 'Summary for Policymakers - Climate Change 2014: Impacts, Adaptation, and Vulnerability' (IPCC, 2014).

² Susannah Willcox, 'A Rising Tide: The Implications of Climate Change Inundation for Human Rights and State Sovereignty' (2012) 9(1) *Essex Human Rights Review* 1.

by 2050.³ Climate change displacement can take many forms; it can be temporary or permanent, planned or spontaneous, within states or across national borders and can involve individuals, households or communities.⁴ In the case of small island developing states ('SIDS'), climate change may result in the displacement of whole populations. However, the line between voluntary migration and forced displacement from climate change is difficult to determine.⁵ Furthermore, as climate change migration can occur within and between states, there are significant gaps in protection for people displaced by climate change. Currently, there is no system of global governance that addresses internal climate change migration, which is seen as an internal matter of state sovereignty.⁶ Moreover, there are no frameworks, conventions or protocols that provide protection for people crossing international borders because of climate change.⁷ While there may be some protections afforded by international human rights conventions, climate change is not mentioned in any of the key legal conventions or norms that provide protection for refugees.⁸ The lack of legal protection for people displaced by climate change also extends to the right to self-determination.

Climate change poses a threat to island communities' right to self-determination and forces us to consider how this right can be applied in instances of climate-induced displacement. Climate change migration raises questions about self-determination, identity, culture and the loss of home.⁹ Under the International Covenant on Civil and Political Rights ('ICCPR') and the International Covenant on Economic, Social and Cultural Rights ('ICESCR'), self-determination relates to the rights peoples have to pursue their own political, economic, social and cultural development. Principally, self-determination refers to the rights of a community, which has a distinct character, to have this character reflected in the institutions of government under which it lives.¹⁰ Moreover, the right to self-determination has a close and arguably dialectical relationship with other individual human rights.¹¹ In particular, the right to self-determination contributes to the enjoyment of other rights by strengthening participation in civil and political processes, ensuring that natural resources can be used to pursue economic and social development and protecting cultural rights. Nevertheless, there are a number of conflicting interpretations of the right to self-determination and who is entitled to the enjoyment of this right. In light of the growing threat of climate change displacement, discussion around the right to self-determination needs to move beyond a focus on just the beneficiaries of this right to a broader debate about how this right can be upheld in cases of climate change migration. More attention needs to be placed on the challenges that communities face in achieving self-determination when relocating because of climate change. The relocation of communities from the Carteret Islands in Papua New Guinea

³ International Organization for Migration, *Migration and Climate Change* (2014) <<http://www.iom.int/cms/climateandmigration>>.

⁴ Susan Martin, 'Climate Change, Migration, and Governance' (2010) 16(3) *Global Governance* 400.

⁵ Vikram Kolmannskog, 'Climate Change, Environmental Displacement and International Law' (2012) 24 *Journal of International Development* 1072.

⁶ Martin, above n 4.

⁷ Benjamin Glahn, 'Climate Refugees'? *Addressing The International Legal Gaps* (2009) <<http://www.ibanet.org/Article/Detail.aspx?ArticleUid=B51C02C1-3C27-4AE3-B4C4-7E350EB0F442>>.

⁸ Ibid.

⁹ Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012) 36.

¹⁰ Ian Brownlie, 'The Rights of Peoples in Modern International Law' in James Crawford (ed), *The Rights of Peoples* (Clarendon Press, 1988) 1.

¹¹ Kristin Henrard, *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-Determination* (Martinus Nijhoff Publishers, 2000) 319.

highlights some of the complexities surrounding the right to self-determination and climate change migration.

This article problematises the right to self-determination in light of climate change displacement and migration. Firstly, this article will discuss some of the issues surrounding climate change migration and the right to self-determination. Subsequently, a case study of the Carteret Islands relocation will be developed to illustrate some of the issues associated with self-determination and climate change displacement. In particular, issues related to land, environmental and cultural differences with host communities, governance and funding will be examined as key challenges for achieving self-determination in climate change relocation projects. The Carteret Islands relocation provides an important case study for climate change migration and the right to self-determination as it highlights some of the considerations that need to be taken into account to ensure that island communities can pursue their political, economic, social and cultural development when migrating due to climate change.

II NEW CHALLENGES TO THE RIGHT TO SELF-DETERMINATION

The right to self-determination is recognised as a foundational principle of international law that is necessary for the realisation of other human rights.¹² However, aspects of the right to self-determination are contested, especially in regards to the identity of the beneficiaries of the right. This article will examine some of the key debates around the right to self-determination and consider some of the challenges that climate change presents. While the right to self-determination is enshrined in the *ICCPR* and the *ICESCR*, a variety of differing interpretations of the legal principle exist. Nevertheless, the right to self-determination has been recognised as customary international law so it is binding on all states, even if they are not parties to the *ICCPR* or *ICESCR*.¹³ Article 1 of the *ICCPR* states:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the *Charter* of the United Nations.¹⁴

As this article shows, the central focus of the right to self-determination is the idea that people should be able to determine their political, economic, social and cultural future. It is important to distinguish between the political and legal principle of self-determination. While the two principles

¹² Willcox, above n 2, 6.

¹³ Cornell University Law School, *Self Determination (International Law)* <http://www.law.cornell.edu/wex/self_determination_international_law>.

¹⁴ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

are sometimes seen as synonymous, the political principle of self-determination is broader in scope than the legal principle.¹⁵

The scope and purpose of the principle of self-determination has evolved over time. Since the early 1900s, there has been growing international support for the right of all peoples to pursue self-determination, which laid the groundwork for decolonisation in the 1960s.¹⁶ The development of the legal right to self-determination emerged out of the United Nations ('UN') *Charter* Article 1(2) which states that the role of the UN is to 'develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.'¹⁷ In Article 55 of the *Charter*, the principle of equal rights and self-determination of peoples is mentioned as an underlying foundation for the creation of conditions of stability and well-being for the peaceful and friendly relations among nations.¹⁸ Historically there has been debate over the definition of 'peoples' and what the right to self-determination entails.

In the UN *Charter*, the term 'peoples' is used in relation to the right to self-determination, but the definition of this term has been contested.¹⁹ Quane identifies three possible interpretations of the term 'peoples' in relation to the right to self-determination.²⁰ The first interpretation is that the term refers to states, which means that the principle of self-determination translates to sovereign equality. Alternatively, it could refer to Non-Self-Governing Territories ('NSGT') where self-determination means the right to self-government.²¹ In a historical context, a third interpretation of the term 'peoples' relates to Trust Territories where self-determination equates to the right to self-government and independence.²² These varying definitions are linked to the early use of the right to self-determination in the process of decolonisation, but now the term 'peoples' is discussed in more general terms. While there is no clear definition of the term 'peoples', it is commonly accepted in international law that this term refers to a group that can be identified as having a common identity, culture or language.²³ Nevertheless, in international law groups of people are not accorded the same legal status as states; so in a strictly legal analysis, the focus should be placed on the rights of groups of people rather than the rights of states.²⁴ While states are the key holders of international legal rights and their interests are protected by the principles of sovereignty and territorial integrity, for self-determination to be meaningful as a human right, it should be considered in relation to groups of people rather than states.

In the past, debates around the right to self-determination²⁵ have mainly focused on who is entitled to this right, but contemporary threats like climate change necessitate broader discussion around

¹⁵ Helen Quane, 'The United Nations and the Evolving Right to Self-Determination' (1998) 47(3) *British Institute of International and Comparative Law* 538.

¹⁶ Cornell University Law School, above n 13.

¹⁷ United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI.

¹⁸ *Ibid.*

¹⁹ Steven Wheatley, *Democracy, Minorities and International Law* (Cambridge University Press, 2005) 78; Thomas D Musgrave, *Self-Determination and National Minorities* (Oxford University Press, 2000) 155.

²⁰ Quane, above n 15, 541.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid* 537.

²⁴ Jonathon Berg, 'The Right to Self-Determination' (1991) 5(3) *North American Philosophical Publications* 212.

²⁵ *Ibid.*

how this right can be upheld. As the Cornell University Law School explains, ‘Contemporary notions of self-determination usually distinguish between “internal” and “external” self-determination, suggesting that “self-determination” exists on a spectrum’.²⁶ While internal self-determination refers to various political and social rights, external self-determination refers to full legal independence for a given community from the larger politico-legal state.²⁷ Both internal and external self-determination are complicated by climate change displacement and migration. In cases of climate change migration where communities are moving within a state, it may be difficult for these groups to pursue their political, economic, social and cultural development in another community. In cases of international climate change migration, the right to self-determination does not give communities the right to claim land of an existing state even if their own territory is threatened.²⁸ This is particularly problematic for island communities who will be forced to relocate because of rising sea levels and land loss. The principle of self-determination must ultimately yield to territorial integrity and state sovereignty as it does not allow a group of people or state the right to cede territory in order to permit continued existence.²⁹ In terms of both internal and international climate change migration, land is a major issue for achieving self-determination.

Discussions around the right to self-determination must consider how this right can be ensured in cases of climate change displacement and migration and what impediments may prevent communities from enjoying this right. For low-lying island states impacted by rising sea levels, land is a central challenge for achieving self-determination. Therefore, discussions around self-determination should take into account cultural conceptions of land. It is important to recognise that the conceptions of territory and land that underpin the international legal framework are grounded in Western concepts of land ownership and sovereignty, which ignore the cultural and spiritual dimensions of land for island communities.³⁰ In countries like Papua New Guinea, customary land tenure operates as a legal system of land ownership which differs from Western conceptions of land ownership as land cannot be easily bought or sold.³¹ However, it is important to recognise that customary land tenure systems operate in contemporary contexts and exist in legal systems inherited from colonial rule. As Dixon explains, in contemporary society most communal property structures are supplemented by some modified form of private property rights.³² Nevertheless, displaced communities can face additional challenges in pursuing their political, economic, social and cultural development in regions where customary land tenure operates. As we will see in the Carteret Islands example, the right to self-determination for groups of people displaced by climate change is highly complex and encounters a number of challenges. The next Part will provide some background information on the Carteret Islands and the difficulties they have experienced in relocating because of sea level rise and land loss.

²⁶ Cornell University Law School, above n 13.

²⁷ Ibid.

²⁸ McAdam, above n 9, 147.

²⁹ Ibid.

³⁰ Volker Böge, ‘Challenges and Pitfalls of Resettlement: Pacific Experiences’ in Thomas Faist and Jeanette Schade (eds), *Disentangling Migration and Climate Change: Methodologies, Political Discourses and Human Rights* (Springer, 2013) 169.

³¹ Marguerite Petit, ‘Reducing Emissions from Deforestation and Degradation: Human Rights and the Commodification of Carbon’ (2011) 14(1/2) *Asia Pacific Journal of Environmental Law* 97.

³² Kathrine Dixon, ‘Working with Mixed Commons/Anticommons Property: Mobilizing Customary Land in Papua New Guinea – The Melanesian Way’ (2007) 31 *Harvard Environmental Law Review* 238.

III THE CARTERET ISLANDS AND CLIMATE CHANGE MIGRATION

The Carteret Islands are a group of six small islands in the Autonomous Region of Bougainville in Papua New Guinea. The islands are 86 kilometres north-east of the main island of Bougainville. Formed on a raised coral reef, the combined land area of the islands is 0.6 kilometres-square and the maximum elevation of the islands is 1.2 metres above sea level.³³ The islands are composed mainly of soil and sand and there is virtually no arable land suitable for agriculture.³⁴ Since 1994 almost 50 per cent of the surface of the Carteret Islands has been lost as a result of rising sea levels and inundation.³⁵ It is important to note that the causes of sea level rise in the Carteret Islands are not confirmed. While climate change is seen as one contributing factor, some commentators suggest that the atolls are subsiding because of tectonic changes and geological processes in the region.³⁶ Nevertheless, storm surges and high tides have destroyed homes, gardens and contaminated fresh water sources.³⁷ In addition, the islands have seen high rates of population growth, and as of 2005 had a population of over 2000 people.³⁸ Due to these factors, the Carteret Islanders are facing increasing pressure to relocate. While population relocation caused by environmental degradation is not a new phenomenon, the Carteret Islands have received widespread attention and been labelled the ‘world’s first climate change refugees’.³⁹

A number of initiatives have been undertaken to try and relocate the Carteret Islanders. Talk of relocation dates back to the 1970s, when O’Collins suggested relocation as a solution to severe land shortages and food insecurity on the islands.⁴⁰ The first large-scale resettlement project began in 1982, when fifteen families were moved to an area of alienated land at Kuveria. However, the site proved to be unsuitable as it was located next to a penitentiary and the resettled communities were denied access to commercial fishing rights.⁴¹ With the outbreak of the Bougainville Civil War in the late 1980’s most of the families returned to the Carteret Islands.⁴² Other relocation efforts co-ordinated by the government also proved unsuccessful.⁴³ This article does not attempt to provide a comprehensive history of all the resettlement programs involving the Carteret Islands. Instead, focus will be placed on the current relocation program initiated by the Islanders and coordinated through local Non-Government Organisation (‘NGO’), Tulele Peisa.

In 2006, as the threat of rising sea-levels was becoming increasingly severe, the Council of Elders of the Carteret Islands decided to form a local NGO called Tulele Peisa to coordinate a voluntary

³³ Julia B Edwards, ‘The Logistics of Climate-Induced Resettlement: Lessons from the Carteret Islands, Papua New Guinea’ (2013) 32(3) *Refugee Survey Quarterly* 59.

³⁴ Ursula Rakova, ‘Tulele Peisa Community Based Voluntary Re-Location Project’ (Tulele Peisa, 2007).

³⁵ Edwards, above n 33, 61.

³⁶ *Ibid* 62.

³⁷ Catholic Climate Covenant, *Background Information on the Carteret Islands* <<http://www.incarnationparish.org/wp-content/uploads/frontpics/BackgroundOnCarteretIslands.pdf>>.

³⁸ Rakova, above n 34.

³⁹ Edwards, above n 33, 61.

⁴⁰ Maev O’Collins, ‘Carteret Islanders at the Atolls Resettlement Scheme: A Response to Land Loss and Population Growth’ in JC Pernetta and PJ Hughes (eds), *Implications of Expected Climate Change in the South Pacific Region: An Overview* (UNEP, 1990) 247.

⁴¹ Edwards, above n 33, 63.

⁴² *Ibid*.

⁴³ *Ibid*.

relocation program. While the Autonomous Bougainville Government had been talking about resettling the Carteret Islanders since 2001, locals were frustrated with the slow progress and began to take direct action themselves.⁴⁴ In the local Halia language, Tulele Peisa translates as ‘sailing the waves on our own’, which reflects the organisation’s goal of empowering the Carteret Islanders to strive for prosperity and well-being through community organising and capacity building.⁴⁵ Rufina Moi, a woman chief from the Carterets, states that ‘Tulele Peisa is our initiative and will continue to co-ordinate and facilitate the relocation of our island people.’⁴⁶ At the core of Tulele Peisa’s work is the active promotion of community self-reliance and ecologically and culturally sustainable relocation.⁴⁷ These values have underpinned the relocation activities undertaken by the organisation.

Tulele Peisa’s relocation program has involved a range of strategies and activities to prepare the communities of the Carteret Islands for relocation and to engage with host communities. The Carterets Integrated Relocation Programme aims to relocate approximately 1700 Islanders to mainland Bougainville, with the Roman Catholic Church of Bougainville having donated land at Tinputz, Tearouki, Mabiri and Tsimba to Tulele Peisa.⁴⁸ The relocation plan covers the construction of housing and infrastructure and also envisages the development of agricultural and income generation projects, especially food security and land use management projects. Furthermore, the relocation plan makes provisions for the strengthening of education and health facilities to benefit both the settlers and host communities.⁴⁹ So far, Tulele Peisa has started the relocation program at the Tinputz site. In March 2009, the heads of the first five families selected to relocate moved to Tinputz to build houses and prepare gardens before the arrival of the women and children.⁵⁰ To date, seven houses have been built to accommodate seven families at a cost of approximately K\$25 000 each (US\$10 000). The relocation program to Tinputz has involved significant stakeholder engagement and Tulele Peisa has worked with the host communities to promote integration into the wider community.⁵¹ For example, Tulele Peisa has organised chief exchanges and youth speaking tours to allow the communities to learn about each other and inter-marriage is being actively promoted. Nevertheless, the relocation program has faced significant challenges.⁵²

The Carteret Islands relocation program highlights some of the core difficulties of relocating communities who are displaced by sea level rise and climate change. For Tulele Peisa, some of the main challenges have related to land, differences with the host environment and community, governance and funding. Primarily, land availability has posed a serious challenge to the Carteret Islands relocation program, as over 96 per cent of land in Bougainville is covered by customary

⁴⁴ Tulele Peisa, *Tulele Peisa: Sailing The Waves On Our Own* <<http://www.tulele-peisa.org/about/>>.

⁴⁵ Ursula Rakova, ‘Sustaining the Wellbeing of the Carterets Islanders Through the Volunteer Re-location Program’ (Tulele Peisa, 2007) 9.

⁴⁶ Quoted in Ursula Rakova, Luis Patron and Citty Williams, *How-to Guide for Environmental Refugees* <<http://ourworld.unu.edu/en/how-to-guide-for-environmental-refugees>>.

⁴⁷ Tulele Peisa, above n 44.

⁴⁸ Tulele Peisa, ‘Carterets Integrated Relocation Program, Bougainville, Papua New Guinea, Project Proposal’ (Tulele Peisa, 2011).

⁴⁹ Böge, above n 30, 169.

⁵⁰ Edwards, above n 33, 66.

⁵¹ Rakova, above n 34, 11.

⁵² Edwards, above n 33, 71.

land tenure.⁵³ In Papua New Guinea, the Western concept of land ownership does not exist as land belongs to groups rather than individuals and cannot be easily bought or sold.⁵⁴ As individuals or clans do not have the authority to give land away, acquiring land and obtaining legal title to land has been a primary obstacle in the relocation program.⁵⁵ The current 71 hectares of land acquired by Tulele Peisa from the Catholic Church is not sufficient, as at least 1500 hectares is needed to provide housing and food gardens for all of the families who intend to relocate.⁵⁶

However, the importance of land goes far beyond practical and economic considerations. As Böge identifies, the land-people connection in the Carteret Islands is very strong and the islanders view the land and people as one.⁵⁷ Leaving the islands is very traumatic for the Carteret Islanders because it means leaving their livelihood, values, culture and ancestors behind. As the Carteret Islands are a matrilineal society, relocation and loss of land is particularly problematic for women.⁵⁸ As Ursula Rakova, director of Tulele Peisa, explains ‘My grandmother passed land to my mother and then it came to me. Ten years along the line I would love to pass on this island to my daughter, but I will not be able to do that.’⁵⁹ The cultural and spiritual dimensions of relocation are significant challenges for communities displaced by climate change.

Similarly, the suitability of the host environment and cultural differences with the host community has also presented difficulties for the Carteret Islands relocation program. While the Carteret Islanders share kinship ties with Bougainville, their ways of life, cultural values and beliefs are quite different.⁶⁰ In particular, it is difficult to find suitable land that replicates the environmental conditions of small islands and atolls and provides access to the sea. The relocation sites on Bougainville have very different gradients and vegetation to the Carteret Islands.⁶¹ While the Carteret Islanders traditionally build their houses directly on the sand, houses on the mainland must be elevated because high rainfall means soil quickly turns to mud.⁶² Another difference between the islands and the mainland is the diet; on the Carteret Islands the diet consists mainly of coconut and fish, but on the mainland there is a wider variety of food available.⁶³ Due to limited land space, the gardening and work habits of islanders also differs greatly to those on the mainland.⁶⁴ Nicholas Hakata, a local youth leader, explains the lifestyle on the island: ‘When you wake up, maybe you think about going fishing. You can just sit around and relax, or go to the bush to check on your bananas growing. You don’t really have a hefty workload.’⁶⁵ These

⁵³ Displacement Solutions, ‘The Bougainville Resettlement Initiative: Meeting Report’ (Displacement Solutions, 2008) <<http://displacementsolutions.org/files/documents/BougainvilleResettlementInitiative-MeetingReport.pdf>> 4.

⁵⁴ Petit, above n 31, 97.

⁵⁵ Edwards, above n 33, 68.

⁵⁶ Böge, above n 30, 170.

⁵⁷ Ibid 173.

⁵⁸ Ibid 171.

⁵⁹ Quoted in Ulamila Kurai Wragg, ‘PNG Environmentalist Takes Her Story to the UN’, *Pacific Wave Media Network* (online) <<http://wavemedia.blogspot.com/2009/09/png-environmentalist-takes-her-story-to.html>>.

⁶⁰ Rakova, above n 34.

⁶¹ Edwards, above n 33, 70.

⁶² Ibid.

⁶³ Ibid 73.

⁶⁴ Rakova, above n 34.

⁶⁵ *Sinking Paradise, Carteret Islands, PNG* (Directed by Citty Williams and Luis Patron, United Nations University, 2009) 0:0:41-0:0:53.

environmental and cultural differences need to be taken into consideration when relocating communities displaced by climate change.

Another factor that has impacted on the Carteret Islands relocation program is poor governance at the regional and national level. The Carteret Islands are in a particularly challenging position because they are located within the Autonomous Region of Bougainville in Papua New Guinea. The Autonomous Bougainville Government has little capacity for socio-economic planning and has ineffectively and inadequately planned for the resettlement of communities affected by climate change.⁶⁶ The uncertainty surrounding the political status of Bougainville after a decade of conflict and the upcoming referendum on independence leaves the Autonomous Bougainville Government with unclear powers and limited funding.⁶⁷ Moreover, land expropriation can only be carried out by the Papua New Guinea National Government, so the Autonomous Bougainville Government is unable to provide displaced communities with land. Under the Papua New Guinea Constitution, customary landowners are prohibited from selling their land except to the government or other customary landowning groups and all deals are overseen by the government. Regardless, the expropriation of land by the Papua New Guinean Government could fuel the tensions and grievances of host communities.

The Papua New Guinean Government has a number of policies and development plans related to climate change, but these policies have not been translated into action for communities facing displacement. Point 1.17.9.2 under the Environmental Sustainability and Climate Change section of the Papua New Guinea Government's Vision 2050 report states that the government will 'Develop mitigation, adaptation and resettlement measures in all impacted provinces by 2015'.⁶⁸ However, this goal has not been achieved to date, as the Carteret Islanders' experience demonstrates. The *Papua New Guinea Development Strategic Plan 2010-2030* acknowledges that rising sea levels will force many island communities to relocate and estimates that the relocation of the Carteret Islanders will cost around seven million kina (US\$2.8 million), but the plan does not stipulate any relocation programs.⁶⁹ Neither the Vision 2050 report nor the Development Strategic Plan discusses the right to self-determination of displaced communities, which suggests that this right has not been integrated into national policies or projects. In October 2007, two million kina (US\$800 000) from the Papua New Guinea Government's Supplementary Budget were allocated to the Autonomous Bougainville Government for the resettlement of the atoll communities, but this funding has still not resulted in any viable resettlement outcomes.⁷⁰ While it is generally accepted that the Papua New Guinea Government has a legal obligation to the Carteret Islanders as citizens of the country, the government has done little to support the relocation program.⁷¹ As Böge notes, fragile states with limited institutional capacities have difficulties in dealing with climate change, which reduces the legitimacy and trustworthiness of state institutions.⁷² Due to these governance issues, the Carteret Islanders have been forced to take direct

⁶⁶ Displacement Solutions, above n 53, 6.

⁶⁷ Ibid.

⁶⁸ National Strategic Plan Taskforce, *Papua New Guinea Vision 2050* (2011) 10.

⁶⁹ Department of National Planning and Monitoring, *Papua New Guinea Development Strategy Plan 2010-2030* (2010) 119.

⁷⁰ Böge, above n 30, 172.

⁷¹ Displacement Solutions, above n 53, 4.

⁷² Böge, above n 30, 176.

action to respond to the increasing threat of climate change displacement. However, the agency of the Carteret Islanders and NGOs, like Tulele Peisa, should not be used as an excuse for government inaction.

In addition to national governance issues, a lack of external support and funding has been a problem faced by Tulele Peisa in coordinating the Carteret Islands relocation. According to Tulele Peisa's preliminary estimates, fourteen million kina (US\$5.3 million) is needed to relocate all of the families who wish to move to Bougainville.⁷³ The current relocation program coordinated by Tulele Peisa is being run by the community themselves and has received modest support from international donors and civil society.⁷⁴ There have been calls for the international community, particularly the governments of developed countries like Australia, to provide funding to support climate change related relocation programs.⁷⁵ While the *United Nations Framework Convention on Climate Change* ('UNFCCC') requires Annex 1 parties to the Convention to assist developing countries to adapt to climate change, international funding for climate change migration and resettlement still needs to be clarified. As such, financial constraints remain a major challenge for the relocation efforts.

In 2009, Tulele Peisa established Bougainville Cocoa Net as an income generation strategy to support the relocation effort and promote self-reliance.⁷⁶ At present, Bougainville Cocoa Net has rehabilitated seven hectares of cocoa plantation around Tinputz. However, pursuing economic independence does pose some challenges for displaced communities and there are concerns of competition and jealousy with the host community. Tulele Peisa has worked to involve local cocoa producers in Bougainville Cocoa Net, so that the whole community can benefit.⁷⁷ While Tulele Peisa has demonstrated a strong desire for self-reliance, limited financial resources hinder the progress of the relocation efforts.

Evidently, the Carteret Islands relocation program has faced significant challenges and difficulties. The relocation program coordinated by Tulele Peisa facilitates the voluntary relocation of families to Bougainville and promotes community self-reliance through initiatives like Bougainville Cocoa Net. However, Tulele Peisa's relocation efforts have been limited by the availability of land, environmental and cultural differences with the host community, governance and funding. As one of the first cases of climate change resettlement, the Carteret Islands are an important case study for climate change migration. In particular, the difficulties faced by the Carteret Islanders highlight the complexities and challenges of achieving self-determination in cases of climate change migration.

IV THE CARTERET ISLANDS AND THE RIGHT TO SELF-DETERMINATION

Climate change presents a new challenge for the right to self-determination, especially for island communities facing climate change displacement and migration. The Carteret Islands case study highlights the complexities of achieving self-determination and some of the obstacles that may prevent communities displaced by climate change from enjoying the right to self-determination.

⁷³ Tulele Peisa, above n 44.

⁷⁴ Böge, above n 30, 172.

⁷⁵ Displacement Solutions, above n 53, 4.

⁷⁶ Pacific Growers Export Partnership, *Bougainville Cocoa Net* <<http://pacificgrowers.net/partners/bcn/>>.

⁷⁷ Tulele Peisa, above n 44.

As climate change migration can take many forms, broader discussion around the challenges of upholding self-determination in cases of climate change displacement is needed. This Part will draw on the difficulties faced by the Carteret Islanders in relocating because of climate change, to explore some of the complexities surrounding the right to self-determination in cases of climate change migration.

As outlined above, under international human rights law, all people have the right to freely determine their political status and pursue their economic, social and cultural development.⁷⁸ Climate change presents a threat to the right to self-determination, as it displaces communities and inhibits their ability to determine their political, economic, social and cultural futures. While a community with distinct character has the right to retain this character in the government and institutions under which it lives,⁷⁹ this can be difficult in cases of climate change migration where people are forced to move to a new community. The relocation of communities also has consequences for the host community, which has rights to pursue its own self-determination. Furthermore, the right to self-determination also entails that people cannot be deprived of their own means of subsistence.⁸⁰ As the Carteret Islands illustrate, climate change threatens the subsistence lifestyles of island communities who face rising sea levels, inundation of homes and gardens and contamination of water supplies. Climate change poses a new challenge to the right to self-determination, so it is important to consider how this right can be upheld in cases of climate change migration.

Historically there has been debate over who is entitled to the right to self-determination and the meaning of ‘peoples’ in the UN *Charter* and the *ICCPR*.⁸¹ While contemporary debates have begun to distinguish between internal and external self-determination, climate change presents a number of challenges for achieving self-determination.⁸² As the Carteret Islands case study highlights, greater attention needs to be placed on the obstacles that communities face when relocating because of climate change. Questions around who is obliged to guarantee self-determination can also arise in instances of climate change migration. As the Carteret Islands are located in the Autonomous Region of Bougainville within the state of Papua New Guinea, there are a number of complexities in relation to governance and statehood.

Climate change also forces us to rethink the relationship between territory and self-determination and develop a more culturally-nuanced understanding of land. Berg contests that in determining rights to self-determination, the ideal case is that there is a perfect correlation between the people and the land, both synchronically and diachronically.⁸³ That means that for a group of people to have a right to self-determination over an area of land, the entire group of people should reside in the land, have never resided anywhere else and no other people should have resided in the land. Other criteria for determining the right to self-determination are signs of social distinctness,

⁷⁸ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 1.

⁷⁹ Brownlie, above n 10.

⁸⁰ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 1.

⁸¹ Quane, above n 15.

⁸² Berg, above n 24, 212.

⁸³ Berg, above n 24, 214.

including linguistic, geographical, ethnic and religious distinctions.⁸⁴ The Carteret Islands highlight some of the problems of applying these criteria to assess rights to self-determination in cases of climate change displacement. The Carteret's population originated from a village on Buka Island in Bougainville and migrated to the Carteret Islands 300-400 years ago, displacing the original Polynesian inhabitants.⁸⁵ The current Carteret population speaks a dialect of the Hanahan language and shares clanship ancestry with villages on mainland Bougainville.⁸⁶ Nevertheless, the Carteret Islanders have a strong connection to the land and have different cultural values, beliefs and lifestyles from other Bougainvillean communities.⁸⁷ Consequently, the historical and cultural circumstances of the Carteret Islanders illustrate the complexities around the right to self-determination. The criteria for determining rights to self-determination must be expanded in response to climate change and the displacement of island communities.

In order for the right to self-determination to adequately deal with climate change migration, a historically and culturally appropriate understanding of territory is needed. International legal treaties often employ a Western conception of land through ideas of territorial sovereignty, statehood and nationalism. Indeed, the right to self-determination is often interpreted as a right to sovereign equality.⁸⁸ However, a more holistic interpretation of the right to self-determination that includes local understandings of land needs to be developed to deal with climate change migration. For the Carteret Islanders, land is more than an economic resource; the land is innately connected to the people, including past ancestors and future generations.⁸⁹ The cultural and spiritual importance of land for people in the Pacific adds to the complexity of achieving self-determination in cases of climate change migration. As Willcox suggests, we must:

embrace alternative ways of recognising the self-determination of peoples and forward-thinking, trans-boundary mechanisms of protection and enforcement that go beyond current forms of international cooperation and assistance...⁹⁰

Therefore, the right to self-determination needs to go beyond Western conceptions of state and territorial sovereignty to reflect cultural understandings of land.

The current Western conception of land ownership and territorial sovereignty that underpins the right to self-determination becomes particularly problematic in cases of climate change displacement. In particular, the right to self-determination does not give a community the right to claim the land of an existing state.⁹¹ However, outside territorial sovereignty the right to self-determination does not adequately consider issues of land and territoriality. Like most international law, the right to self-determination is premised on Western conceptions of land ownership. As the Carteret Islands case study demonstrates, land is a practical, economic, cultural and social consideration for people displaced by climate change. Tulele Peisa has been able to secure some alienated land from the Catholic Church for the Carteret Islands relocation program, but this land

⁸⁴ Ibid 216.

⁸⁵ O'Collins, above n 40.

⁸⁶ Edwards, above n 33, 60.

⁸⁷ Rakova, above n 34.

⁸⁸ Quane, above n 15, 541.

⁸⁹ Böge, above n 30, 173.

⁹⁰ Willcox, above n 2, 15.

⁹¹ McAdam, above n 9, 147.

is not sufficient and there have been difficulties in securing legal tenure.⁹² In the future, long term leaseholder arrangements may need to be considered, but the feasibility and costing of such programs is uncertain. Therefore, land remains a central challenge for communities displaced by climate change and poses a dilemma for international law.

In addition, communities displaced by climate change face difficulties in pursuing their economic development, as the Carteret Islands example demonstrates. Climate change relocation involves more than simply securing land; communities also need access to employment, healthcare, education and other services.⁹³ The Autonomous Bougainville Government, the national Papua New Guinea Government and the international community have not provided adequate financial support to facilitate the relocation of the Carteret Islands. Instead, the Islanders have co-ordinated their own relocation program through Tulele Peisa. Initiatives like the Bougainville Cocoa Net have been set up to provide some income for the displaced families, but the Carteret Islanders have had to be careful of competition and jealousy from members of the host community. As Böge advocates, it is important to consider the needs and interests of both the resettled groups and the host communities who also have rights to self-determination.⁹⁴

While Tulele Peisa promote community self-reliance and have displayed great initiative in coordinating the relocation efforts, this should not excuse governments from their responsibility to ensure self-determination. Tulele Peisa's guiding principle is to:

encourage self-sufficiency and independence through all steps of the relocation process so that Carterets people and host communities do not develop a dependency or cargo mentality but take initiative and action to improve the quality of their personal and community life.⁹⁵

Nevertheless, the Papua New Guinea Government has ratified the *ICCPR* and thus has a responsibility to ensure that all of its citizens have the right of self-determination. Climate change does pose a new challenge for ensuring the right to self-determination in displaced communities, but poor governance and a lack of external support has limited the ability of the Carteret Islanders to freely pursue their economic, social and cultural development. While we need to recognise the agency of local people and the important role that NGO organisations like Tulele Peisa play in climate change relocation, this does not relieve governments of their duty to enable their citizens to achieve self-determination. Governments and the international community should be doing more to support and assist the relocation of island communities, like the Carterets.

V CONCLUSION

Climate change poses a new challenge to the right to self-determination as it threatens the ability of island communities to achieve political, economic, social and cultural self-determination. The displacement of island communities has serious implications for the international legal framework and human rights. The right to self-determination provides a foundation for other individual human rights as it allows for the enjoyment of a wide range of political, economic, social and cultural rights. Hence, it is important to consider how this legal principle is affected by climate change.

⁹² Böge, above n 30, 170.

⁹³ McAdam, above n 9, 148.

⁹⁴ Böge, above n 30, 169.

⁹⁵ Tulele Peisa, above n 48, 8.

Rather than just focusing on who is entitled to this right, discussions around the right to self-determination need to consider how this right can be upheld in cases of climate change migration and what obstacles may impede communities from enjoying this right. This discussion should not just focus on practical considerations around climate change migration, but should also consider the cultural and spiritual dimensions. While Western ideas of land ownership, sovereignty, territorial integrity and statehood underpin the international legal framework, island communities experiencing climate change migration have a different understanding of land. Countries like Papua New Guinea have strong customary land tenure systems which pose additional challenges for communities relocating because of climate change. Climate change migration necessitates that more attention is placed on the right to self-determination and a more culturally-nuanced understanding of this right is developed.

The Carteret Islands relocation highlights some of the underlying implications of climate change for the right to self-determination. To a considerable extent, the Carteret Islands illustrate the challenges that communities face in achieving self-determination when migrating because of climate change. The Carteret Islands relocation program, coordinated by local NGO Tulele Peisa, has faced significant challenges in regards to land availability and accessibility, environmental and cultural differences with the host community, governance and funding. While Tulele Peisa promotes community self-reliance, it is difficult to achieve political, economic, social and cultural self-determination as a group displaced by climate change. The Carteret Islands case study highlights the importance of both community participation in decision-making and practical financial and government support. The local agency displayed by the Carteret Islanders in coordinating their own voluntary relocation program should not be used as an excuse for government inaction. As the Carteret Islands illustrates, achieving self-determination in cases of climate change migration is complex and difficult.

This article does not propose a new international framework around the right to self-determination, but opens up a discussion about this principle in relation to climate change displacement and migration. Primarily, this article highlights the complexities of ensuring the right to self-determination in instances of climate change displacement and encourages a broader dialogue about the challenges and impediments that may prevent communities from enjoying this right. The denial of self-determination has implications for other individual human rights so it is important for us to consider how self-determination can be achieved in relation to climate change displacement and migration.