

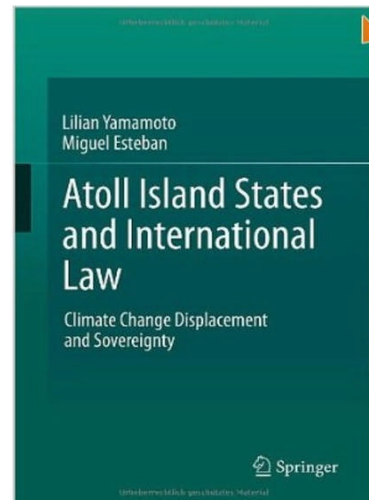
BOOK REVIEW

LILIAN YAMAMOTO AND MIGUEL ESTEBAN ON ATOLL ISLAND STATES AND INTERNATIONAL LAW

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Springer 2014, Pages: XVI + 307
ISBN: 978-3-642-38186-7
Price: € 99.99 (Hardcover)

The book '*Atoll Island States and International Law*' draws attention to the long term threat posed by climate change to the Atoll Island States. In the twenty-first century climate change has been recognized by the scientific community as one of the greatest contemporary challenges. There is a very real future threat of all the atoll island states being submerged through the combined effect of the following: increased coral mortality, rise in sea-level and erosion of the coast resulting from higher levels of tropical cyclone activity. The unique feature of the book is that it is the outcome of seamless collaboration of authors from two different academic realms. One is involved in coastal engineering engaged in the study of natural disasters, climate change and coastal structures and the other is a researcher of international law.



The book delves into a careful analysis of the scientific reasoning behind the assumption that Atoll Island States can lose their territory in actuality. The book under review deals with vital questions regarding the interpretation of the UNCLOS, displacement due to climate change, statelessness and statehood criteria. The eight chapters of the book also inquire as to the role that climate change has played in, and the manner in which it has physically and socially affected the Atoll Island States.

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Chapter 1 deals with the basic issues of Atoll Island States, which have been defined as countries formed almost or uniquely of one or more atoll archipelago. Atolls are elevated areas of the sea that have their origin on a volcano that has slowly disappeared, leaving behind a lagoon surrounded by a series of coral-reef islands. The areas are particularly reliant on the production of sand and gravel from corals and foraminifers for their geomorphological stability. The introductory chapter further provides a brisk overview of the succeeding chapters of the book.

Chapter 2 provides salient features along with the socio-economic and geopolitical considerations of Atoll Island States that occupy less than 1% of the world's oceans (as per 2001 report of UNEP-WCMC World Atlas of Coral Reefs). This chapter provides a clear idea of the geological processes that give birth to the islands, the living creatures which nowadays provide the sand that makes the islands, and the geo-morphological processes that shape them. Since the highest point in the atoll island states is often only a few meters above sea level, such states are deemed to be highly vulnerable to climate change. This causes their economies to be in-turn highly vulnerable and on an average the Atoll Island States also suffer from higher food insecurity in comparison to other Small Island States. Despite having high population densities, atoll island states, from the socio-economic perspective, are medium to low income countries, with their economy dependent on agriculture, fishing, tourism, the revenue originating from their Exclusive Economic Zones (EEZ) and overseas aid.

Chapter 3 churns out the potential problems that Atoll Island States have been facing due to climate change impacts. Although atolls have survived increases in sea levels around the planet in the past, anthropogenic climate change could have grave consequences for the survival of atolls surrounded by oceans. To depict the menace of climate change to atoll islands, the chapter provides comprehensive analysis regarding the rise in sea level as well as the increase in intensity and the potential influence of ocean acidification on coral mortality. Authors justify such analysis by contending that it would highlight the collection of problems which coastal communities will have to face in the future.

Chapter 4 describes the mechanisms being used by atoll island states, to raise their voices against the challenges of climate change and sea level rising. It deals with the history of climate change negotiations and the role of Alliance of Small Island States (AOSIS) in the process, more specifically in introducing a "loss and damage proposal" into the negotiations. The proposal, which veered into a pivotal outcome of COP 18 Doha, is founded upon the principles of polluter pays, intergenerational equity, trans-boundary harm and responsibility of a State. The AOSIS which is a

negotiating body and lobby for the Small Island Developing States (SIDS), has been vibrantly vocal in climate change negotiations since its members are likely to suffer greatly from the effects of climate change.

In **Chapter 5** possible future scenarios and adaptation strategies for Atoll Island States against climate change are discussed. The chapter entwines its discussion whether sea defenses can be used to preserve baselines in accordance with the 1982 United Nations Convention on the Law of the Sea (UNCLOS III). The convention allows the raising of naturally formed islands and the protection of their shoreline. Moreover, the chapter propounds other possible scenarios envisaged for atolls in the future as well as possible adaptation strategies against climate change which are then discussed together with the viability of these options from an economical and engineering point of view. Regarding atoll island states, the wordings of article 7 of 1982 UNCLOS specify that only reefs that are exposed at low tide, and not wholly submerged reefs may be used as baselines. Authors opine that it may beget problem for Atoll Island States since it is possible that as a consequence of climate change and rise in sea level that a reef could go from a state of being exposed at low tide to being constantly submerged. It may result in the baseline moving a few hundred meters or several kilometres landwards which appears to be arbitrary in nature. Moreover, future increases in sea level can thus change the coastline of a country and possibly lead to conflicts between neighbouring States. Thence, fixing the maritime boundaries of States has important geopolitical and cartographical implications.

In hindsight, **chapter 6** outlines alternative solutions to preserve the sovereignty of the Atoll Island States. It points out continuity of statehood would not rely exclusively on the strict criteria set out in the 1933 Montevideo Convention rather, a blend of legal and political considerations determine whether statehood can be preserved. Losing their islands would not only potentially deprive the atoll island inhabitants of residing in a sovereign State, but would also violate their civil, political, economic social and cultural rights. Authors argue that Atoll Island States can preserve their status of statehood by relying on the recognition of other States.

As a fitting sequel of the preceding chapter, **chapter 7** examines tentative legal effects of the re-location of the citizens of these countries in tandem with the issue of climate displacement. This chapter also dapples with the concept of ‘climate displaced people’ under the rubric of protection mechanisms. Although Settlement abandonment is common occurrence throughout the history of humankind, the situation of inhabitants of atoll island states is unique since the whole population of such states would have to migrate to other countries due to the impacts of climate change. The

chapter underlines that there is a gap of protection, in the realm of international law, for the population of Atoll Island States. Authors suggest that despite climate change displacement issue is not foreseen by the 1951 Refugee Convention, which would be the apt framework to protect the inhabitants of Atoll Island State by extending the ambit of protection. Moreover, to fill up the current legal vacuum, the chapter emphasizes to mull upon alternatives like creating ‘climate refugee visa’ as well as forming a new status of ‘universal natural person’.

In the concluding chapter, i.e. **chapter 8**, the book under review clarifies its view as to possible future scenarios and adaptation strategies for Atoll Island States against climate change impacts. In the chapter, authors argue for elevating the height of existing atoll islands to preserve maritime sovereignty rather than creating artificial islands. For solving motley of climate change induced issues of atoll islands’ inhabitants, the chapter proposes for a new Convention for climate change displaced people.

The book under review offers comprehensive view of the problems being faced by the atoll island states. The multidisciplinary approach, legal as well engineering, of the book under review would be helpful to mull the current state of the situations of atoll island states and their inhabitants due to climate change impact. Comprehensive index in tandem with illustrative maps and figures have turned it into an apt reference book for those interested in international law and coastal engineering.