

Climate Change and the Legal Framework for Settlement Relocation in the South Pacific

Daniel FITZPATRICK, Australia

ABSTRACT

This paper considers the legal framework for persons displaced by rising sea levels to secure rights to land in the South Pacific. It draws on current research on settlement movement and sea level rise in Solomon Islands. While there is an emerging literature on international legal frameworks relating to climate change and transnational population movements, relatively little has been written on national legal frameworks for relocation and displacement, even though the front-line adaptive response to sea level rise will involve local rather than transnational settlement movements. The paper argues that population movements caused by climate change will exacerbate existing tensions and challenges in South Pacific systems of land law and administration. The paper focuses on legal issues arising from two potential methods of relocation: agreements with customary landholders, and grant of land by the state. The paper concludes with an outline of potential land law and policy reforms to support sustainable relocations of climate change-affected settlements in local coastal districts of the South Pacific.

CONTACTS

Prof. **Daniel Fitzpatrick**
ANU College of Law
Australian National University
E-mail: Daniel.Fitzpatrick@anu.edu.au