

Certain Small Island Developing States (hereinafter the “SIDS”) such as Kiribati or Tuvalu are often incorrectly called “sinking islands” because their highest points are located just a few meters above the sea level. Sea level rise may turn their territories to uninhabitable land gradually disappearing beneath the tide. Worsening of the environmental conditions causes internal displacement, migration and other problems. SIDS repeatedly brought their plight to the United Nations Security Council (the “UNSC”) during its meetings in 2007, 2011, 2015, 2018 and 2019. They demanded that the UNSC should deal with their situation as a potential security issue and safeguard more equal distribution of environmental security risks and costs. During the UNSC negotiations, various states attempted to interpret and re-interpreted the UNSC mandate in order to suit their interests.

The representatives of SIDS suggested that the UNSC should be a body based on the principles of distributive justice decision-making and thus safeguard fairer sharing of threats and burdens, including those of environmental character. The rapidly developing states strongly opposed; they implicitly claimed that the UNSC should be based rather on the principles of commutative justice, i.e. decide in strictly given situations of violations of peace with neither mandate nor expertise to deal with environmental issues. Finally, the developed states wanted the UNSC to retain power over the decision but attempted to transfer the responsibility for such decision on other cooperating organs and organizations as well as on scientists and experts who should provide adequate initial inputs necessary for the decision. Each of this group of actors interpreted the role of the UNSC in a different way, being influenced by its own spatial situation and power interests. As a result, there appeared three different legal understandings of what the UNSC should do in case of SIDS or similar cases.

This dissertation used this example of the “sinking islands” to demonstrate how nation states as individual actors try to shape and re-shape the functioning of crucially important international council without changing a single letter in its founding legal document, the UN Charter. Moreover, it demonstrated that perceptions and interpretations of law and justice by various actors are significantly determined by spatiality and power.

The dissertation employed critical discourse analysis with certain features of content analysis to examine the meeting records of the UNSC meetings concerning climate change in general and “sinking islands” in particular in the years 2007, 2011, 2015, 2018, and partly also 2019. By this analysis the dissertation brought research results described in the paragraphs above and proved that critical legal geography (“CLG”) as its underlying conceptual approach offers

valuable tools for dealing with this type of situation, because this theory examines how law, space, and power interact and co-constitute each other within the behaviour of actors. Thus, CLG allowed nuanced understanding of the actions of each of the described group of actors (SIDS, the rapidly developing states and the developed states). Such complex understanding would not be possible when using other IR theories such as realism, securitization or Green Theory.

This understanding represents also a valuable practical contribution of this dissertation because the case of SIDS is very likely to become precedential and might be followed by several other cases of territories and countries endangered by environmental degradation. SIDS are considered as the first to face the most severe consequences of global climate change on the large scale. Therefore, actors' attitudes and strategies demonstrated on this case shall very likely repeat. Moreover, decoding the positions, motivations and rhetorical practices of the actors shall contribute to clearer allocation of responsibility and a feasibility of consensus on eventual future solution of SIDS' situation.