



Getting heard on CLIMATE CHANGE: AN INTERVIEW WITH YESSIE MOSBY

INTERVIEWED BY DR CHRISTIANE KELLER, AIATSI

I am Yessie Mosby, a traditional owner of Masig Island in the sixth generation. I am also a Director of Masig PBC. I am a plaintiff in the case against the Australian Government that we have taken to the United Nations (UN).

I lived in the western parts of the Torres Strait all my life but moved to Masig Island ten years ago. In all this time I came back to Masig in the holidays and I didn't pay attention to the effects [of climate change] then. Not until my adulthood, when I settled here with my wife and became a father. It is sad to see how the land is eaten away, the inundation of the island, the erosion. Seeing how we move further into the island. It is a coral cay island which is very flat and there is no higher ground. We can't move any further inland.

The houses are on stilts and were provided to us by the government. Back then nobody ever lived on stilts but on ground level houses. This particular time of the year we are very vulnerable to high tides and the monsoon.

What do you do when the island gets flooded?

When a king tide comes we keep our children away from the tides especially during cyclone season. The whole community is walking around trying to save what's possible. We don't sleep even during the night.

We live in fear where we will go to. We are concerned where we are relocated to in the future. We are not talking about 100 years, but 30 to 50 years. We have our ancestors here, they are tying us to our land. We don't want to leave our loved ones behind. [For the future when we die] put us in tombs so we can be relocated with our families.

Some elders say when it's time to leave they don't want to go. They want to die and stay on the island.

Me and my wife, we are thinking about where our children will be [in the future]. We are very family oriented because we are surrounded by oceans. When we relocate to the mainland we will be cut [off from each other] and families will be spread out. We'll be a living people with an extinct culture and tradition.

It's very hard for people here. The majority in Australia has forgotten that we have two different Indigenous people, something Australia should be very proud of and protect. When Australia doesn't know about us, then the world doesn't know about us. Who is going to help us then?

Our culture dates way back beyond Christianity. Something we Indigenous Australians are very proud of. That one of these Indigenous peoples is going to be evicted from their island, washed away from the ocean should be prevented now by the Australia government. Stop the mining and burning of coal immediately.

For our people sovereignty is about our life. Nothing is greater than our survival. We tried our best in asking for help but we didn't know how. We Torres Strait Islander fight together. That cause [the threat to our islands] needed all of us to join in together as Torres Strait people. We have the right to live and to have our culture, that's why we came together. We knew Sophie [Marjanac, lead lawyer in this case], she used to see the struggles we are facing. Bear in mind, we Torres Strait Islanders all learned English at school. She understood how we are connected to the motherland, our islands, we expressed our feelings and fear [to her]. She asked how we want to go about this. We said we want to take this to the UN.

In December the government announced that it will provide additional \$25 million infrastructure package for the Torres Strait

We are very happy that the government gave us \$25 million which is a blessing. But if you look at the figures and the many islands who all have the same needs we are getting crumbs.

We are happy and grateful that the government is helping us, but that is not stopping anything. In the future there will be none of us [on the islands]. I am a very cultural person and speak more than one language, I am very proud. Here on the island I teach our children where we come from and how we survived before. I have not much time left as we might have to be relocated.

We have a plan here for our own people but we don't know if the government has other plans. It would be really good if we get an outcome very soon.

The case against the Australian government is not resolved yet but do you see the funding as a success?

I think we'll be successful once we see sea walls being built. We already got a quarter of a metre [of land] taken away. At the moment we are using materials like pallets and sand bags for protection. The sea walls will help with keeping us on the island longer. It might add another 5 years to the final date and will help to stop the erosion.

Next year we are looking to sail our 72 foot long canoes down to Brisbane to protest and give talks and then to Sydney through Canberra to the Bass Strait.

It's very sad to see how the Torres Strait that contributes almost nothing to climate change is experiencing it the most.



Yessie Mosby and his son Awara on Masig Island.
Credit: Peter Barnett, ClientEarth



Makeshift groynes made from pallets and destruction of property by high tides, Masig Island.
Credit: Sophie Marjanac, ClientEarth

case notes:

In May 2019 eight Torres Strait Islanders Yessie Mosby, Nazareth Warria, Keith Pabai, Stanley Marama, Nazareth Faid, Ted Billy, Daniel Billy, Kabay Tamu took a claim to the United Nations (UN) against Australia for inaction regarding climate change. The plaintiffs are supported by Gur A Baradharaw Kod Sea and Land Council¹ and pro bono legal advice from the UK based company ClientEarth. The plaintiff's claim, that by failing to take action to mitigate or adapt to climate change, Australia has violated the complainants' human rights under the International Covenant on Civil and Political Rights (ICCPR).² According to the claim group the following rights have been violated:

- Article 2 in its interrelation to the articles below;
- Article 6 the right to life;
- Article 27 right of indigenous minorities to enjoy their culture;
- Article 17 the right to be free from arbitrary interference with privacy, family and home; and
- Article 24 rights of the child.³

The Torres Strait Islander group argued that not 'to reduce greenhouse gas emissions and to provide sufficient defence and resilience measures constitutes a clear violation

of the islanders' rights to culture, family and life.'⁴ This landmark case is the first to detail and assert that the issue of climate change is a human rights issue.

The plaintiffs ask for immediate and long-term measures from the Australian government including that:

- they decrease emissions by at least 65 per cent below 2005 levels by 2030 and go net zero by 2050;
- they phase out thermal coal for domestic use and international export; and
- that a minimum of \$20 million is committed to emergency measures for the islands, such as sea walls and long-term adaptation measures.⁵

While the case is still unresolved in December 2019 the Australian Government announced a \$25 million Torres Strait infrastructure package to construct seawalls, repair and maintain jetties, and re-establish ferry services between Saibai and Dauan islands.⁶ Meanwhile the Torres Strait Regional Authority continues to work on mitigation and adaptation strategies.⁷

¹ P Gregoire, Towards Torres Strait autonomy: an interview with GBK's Ned David, Sydney Criminal Lawyers, 2019, viewed 20 March 2020, <<https://www.sydneycriminallawyers.com.au/blog/towards-torres-strait-autonomy-an-interview-with-gbks-ned-david/>>.

² BJ Preston, 'The Impact of the Paris agreement on climate change litigation and law', in 'Elements of a "European", "International", "Global" Climate Consensus after Paris?', University of Dundee, United Kingdom, 27 September 2019, viewed 3 May 2020, <<http://www.lec.justice.nsw.gov.au/Documents/Speeches%20and%20Papers/PrestonCJ/Preston%20CJ%20-%20The%20Impact%20of%20the%20Paris%20Agreement%20on%20Climate%20Change%20Litigation%20and%20Law.pdf>>, p. 43

^{3,4} ClientEarth, *Torres Strait climate case: FAQ*, ClientEarth, n.d

⁵ ClientEarth, 'Climate threatened Torres Strait Islanders bring human rights claim against Australia', *ClientEarth*, n.d., viewed 5 March 2020, <<https://www.clientearth.org/press/climate-threatened-torres-strait-islanders-bring-human-rights-claim-against-australia/>>.

⁶ K Wyatt, *Torres Strait Infrastructure Package*, 2019, viewed 9 March 2020, <<https://ministers.pmc.gov.au/wyatt/2019/torres-strait-infrastructure-package>>.

⁷ *TSRA & TSR Authority, Adapting to Climate Change*, Text, 2017, viewed 10 January 2020, <<http://www.tsra.gov.au/the-tsra/programmes/env-mgt-program/adapting-to-climate-change/>>.

