

Rights-holders from Torres Strait sue Commonwealth over climate change

Pabai Pabai, Gudamalulgal

My name is Pabai Pabai. I'm a proud Gudamalulgal man from the island of Boigu in Zenadth Kes (the Torres Strait). Together with my friend Paul Kabai, from the island of Saibai, I am taking the Australian government to court to protect our islands and our communities from climate change.

We are born to these islands, they are our mothers, our identities, who we are. For thousands of years, our warrior families fought off anyone who tried to take our homelands from us. But now we could lose the fight to climate change. If the

Australian government does not step up on climate change, we will be torn from our islands and cut off from our culture, our ancestors and our identities.

Boigu and Saibai are low-lying mud islands covered with mangroves and swamps. These islands supported our Ancestors for generations. We had a system that was learned from our Elders and passed on to younger generations. The seasons, the tides and the stars used to be the same year after year. But that is not the case anymore: everything is changing. Boigu and Saibai are going under the water.

Every year the seas take a bit more of our islands. During storms and king tides the sea water floods our roads, buildings, gardens – even the airstrips are being flooded. Our villages have sea on one side and swamp on the other. Water comes through the drainage system and fills the swamps up, so we get flooded from both sides.

There are places we grew up with that are gone completely, and we can't go there anymore because it feels too sad. Our cultural sites and cemeteries are being eroded. We have a cultural responsibility to look after these places but the



Pabai Pabai sitting with painting of his crocodile totem, Boigu Island. Photo: Talei Elu

rising sea is making it impossible and could mean they disappear forever. Losing them would be devastating for our communities now and for generations to come.

Our people are hunters, farmers and fishers. Our Ancestors lived off the food they grew and the fish and animals they hunted. But climate change is affecting the seas around us and making it harder for us to feed ourselves and our families. The seas are warmer, so the reefs are less healthy and there are fewer fish to catch. During storms, sand from the islands is dragged out to sea, covering the seagrass that dugong and turtles eat. So there are fewer dugong and turtles to hunt.

It is not just the seas that are affected: our gardens have been flooded by salt water too. The salt has poisoned the soil, so we cannot grow healthy food anymore. So instead of living off the land and seas we have to eat imported food, which is expensive and not healthy for us. People get diabetes and other illnesses that we never used to get.

Things are bad now, but they will get worse if climate change isn't stopped. Seasons will become more extreme: there will be more intense rain in the wet season and a longer, hotter, drier dry season. Malaria and dengue fever would spread, because warmer, wetter environments are perfect for mosquitoes to breed. And if sea levels keep rising, our islands will disappear completely. We will become climate change refugees, forced to leave our ancestral lands and go settle someplace else. Climate change is man-made, so if our islands are lost it would be a deliberate act of cultural genocide.



Pabai Pabai's garden during flooding, Boigu Island. Photos: Pabai Pabai

Torres Strait Islander Peoples have always fought for our rights. In 1936, our pearl divers went on strike against the colonial government and won better conditions for us all. In the 1970s, we campaigned against Prime Minister Gough Whitlam's plans to cut our islands in two and hand half to Papua New Guinea. From this fight we gained the Torres Strait Treaty, which guarantees our traditional way of life and livelihoods. And of course there is Eddie 'Koiki' Mabo, a Meriam man from Mer island, who defeated **terra nullius** and got our land rights recognised by the High Court of Australia.

So last October me and Paul took the Australian government to court. We are saying that the Australian government has a

duty of care to prevent climate change from doing any more harm to Torres Strait Islanders. Our case is the first climate change class action brought by First Nations people in Australia. It draws together two sources of knowledge: our people's lived experience of seeing the changes to our islands and the evidence of experts in climate change science. We're asking the court to order the government to cut greenhouse gas emissions and stop climate change before our islands are taken from us.

We are bringing this case on behalf of the generations to come. We want our grandchildren to grow up on our islands, to live the same lives that we lived. To have to leave our islands, to become climate

change refugees, is impossible to think about. Our islands are who we are. Even when families move to the mainland, they still draw strength, culture and identity from the islands. Without our islands we're nobody. How could you say you were from Boigu or Saibai if those islands are under the water?

We are really proud to be helping our community fight for justice. We want to show people, especially the younger generations, that we can do something about climate change. We know it will be difficult, but that won't stop us. We owe it to our people, our culture and our land to keep going until our homelands are protected once again.



Left to right: Paul Kabai and Pabai Pabai standing on the boardwalk, Boigu Island. Photo: Talei Elu