

Submission on the promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage

Drawing on its research and collaborations with communities, most notably as part of its ongoing [Right to Life with Dignity \(RTLWD\) Project](#), ICAAD respectfully makes the following submission to questions 1,2,3,4,5,6(b) and 7. For efficiency, ICAAD has not provided responses to questions which are outside the realm of its research or expertise.

Response to Question 1

Through our ongoing RTLWD Project, ICAAD works with individuals and communities in low-lying Pacific small island developing states (SIDS), especially indigenous communities, that have and continue to suffer loss and damage due to the adverse impacts of climate change. Many indigenous communities in SIDS struggle to maintain their cultures and identities as adverse climate change impacts and environmental degradation erodes their very existence.

The physical impacts of climate change have been well-documented in SIDS. Such impacts can include sea level rise, high intensity cyclones, king tides and coral bleaching, which in turn adversely impact individuals and communities living in these areas. For example, evidence before the New Zealand Immigration and Protection Tribunal about the effects of climate change on Kiribati in the *Teitiota* case¹ covered issues including: poor/infertile soil quality that compromised crop yields because of saltwater intrusion; high unemployment; flooding; poor infrastructure and sanitation; freshwater shortages; and increasing social tension with land becoming more scarce due to coastal erosion.²

While more quantifiable forms of damage such as loss of land, property and amenity are well understood, non-economic loss and damage is often disregarded in the broader conversations and policymaking around loss and damage. In our virtual discussion series, frontline climate activists in the Pacific Islands region repeatedly pointed to the social and cultural loss that results from climate inaction.

For example, actual destruction of land is resulting in loss of culture, identity, and spiritual connections for communities affected by climate-related environmental degradation. Culture and identity, particularly for indigenous communities, is strongly linked to ancestral lands and the seas. Therefore, indigenous peoples may be reluctant to relocate, even though other parts of their lives become much more challenging. As noted at the First Peoples' Convening on Climate-Forced Displacement in October 2018, "[f]oundationally, Indigenous communities rely on local species, habitats, and ecosystems that are impacted by climate change. But those risks are elevated due to the long-term effects of colonialism, institutionalized racism, and histories of forced relocation."³

Several of our collaborators in Pacific SIDS point to past examples of displacement, including the planned internal relocation of villages within Fiji and a Tuvaluan village that was relocated as a community to Niue. Those examples raised the importance of community cohesion and collectivism in the process of planned relocation. However, many diaspora communities face challenges in upholding their economic, social and cultural rights. In addition to the difficulties of securing protection as asylum-seekers, climate-displaced persons under all immigration statuses face economic precarity, social exclusion, and limited support for upholding cultural identity. Relocation may lead to loss of nationality of origin, particularly for individuals who do not have or retain identity documentation. Moreover, despite the wishes of communities subject to relocation, relocation policies often do not provide for a right of return.

Additionally, climate-related threats to biodiversity not only impact the broader ecosystem but also threaten culturally-significant crops and natural resources. In Niue, ocean temperatures and acidification have impacted the availability of *kahoa hihii* shells. *Hihii* shells are culturally significant in Niue and are used in a

¹ Human Rights Committee, *Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016*, CCPR/C/127/D/2728/2016 (Jan. 7, 2020) ("*Teitiota* case"), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f127%2fd%2f2728%2f2016&Lang=en.

² *Teitiota* Case, page 6.

³ One Story: A Report of the First Peoples Convening on Climate-Forced Displacement, https://www.uusc.org/wp-content/uploads/2019/04/UUSC_Report_ALASKA_web_2april.pdf, page 14; see also Kathryn Norton-Smith et al., *Climate Change and Indigenous Peoples: A Synthesis of Current Impacts and Experiences* (US Department of Agriculture, October 2016), https://www.fs.fed.us/pnw/pubs/pnw_gtr944.pdf, page 2.

range of handicrafts that support women's livelihoods. The yellow *hihi* is specific to Niue and is a crucial component of Niuean identity and culture. Similar cultural impacts extend to traditional medicines as well.

Further, many of our collaborators draw the connection between the extractive industries and militarism that have exploited the Pacific and contributed disproportionately both to the climate crisis and resulting loss and damage. For example, phosphate mining on Banaba both devastated the island ecosystem and displaced most of the Banaban community. For Banabans living on Rabi Island in Fiji and in New Zealand, one of the main concerns continues to be the right of return and the difficulties faced in accessing their ancestral lands on Banaba. In the Marshall Islands, the U.S. nuclear weapons testing program devastated the environment with long lasting impacts. The radioactive waste was subsequently stored by the U.S. in a concrete tomb (the Runit Dome) which is now at risk of leaking into the Pacific Ocean as a result of rising sea levels.

ICAAD believes that these accumulative experiences faced by individuals and communities across low-lying SIDS, especially climate-displaced persons from indigenous communities, ultimately undermine the right to life with dignity and trigger positive responsibilities by States to protect such rights.

Response to Question 2

The dignity of climate-displaced persons, particularly those in SIDS, is insufficiently protected by laws and policies currently in place at an international or domestic level. There are no clear legal standards or tools for recognising when environmental degradation (exacerbated by climate change) becomes a human rights concern, i.e., when environmental degradation reaches the point at which rejecting an individual's claim for asylum due to climate-induced displacement violates international human rights norms, or when a State has no effective planned internal relocation policy for communities whose access to basic necessities will likely be compromised.

ICAAD believes that legal standards must be adaptable to rapidly shifting contexts and flexible enough to account for differing cultures. These standards should be applied within domestic and international tribunals as a means of triggering non-refoulement principles outside of the Refugee Convention, since that Convention has been interpreted narrowly when it comes to climate-displaced persons.

Through its RTLWD Project, ICAAD is developing a legal standard, grounded in international law and domestic case law from around the world, to provide an avenue for redress for climate-displaced persons whose right to a life with dignity has been violated. This legal standard would entitle climate-displaced persons (and their families, broadly interpreted) whose right to a life with dignity has been violated due to the adverse impacts of climate change, to non-refoulement and complementary protection under international human rights law, specifically Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and General Comment 36 of the Human Rights Committee (HRC).

This avenue for redress is suggested by the 2020 decision of the HRC in the *Teitiota* case. In this case, Ioane Teitiota and his family sought to remain in New Zealand after migrating from Kiribati. Though the claimant led evidence of how environmental degradation and its downstream impacts would make his family's life unbearable if they were sent back, the majority of the HRC did not find that returning the claimant to Kiribati would violate the ICCPR, citing a lack of individualized and imminent harm. Nevertheless, the HRC did provide a significant opening by recognizing that environmental degradation could be so severe as to violate Article 6 ICCPR (right to life with dignity) and Article 7 ICCPR (cruel, inhuman, and degrading treatment).

Following *Teitiota*, international and domestic regimes could be created to protect the right of climate-displaced people, particularly in low-lying SIDS, to live a life with dignity. This would involve establishing:

- a standard, informed by the Refugee Convention and 1967 Protocol, for determining whether a person's right to life with dignity has been violated in the context of environmental degradation and climate displacement;
- an evidentiary standard that a tribunal can use to determine whether the right to life with dignity has been violated in a particular case. This will involve considering matters including probability of harm; proximity (including temporal proximity) of harm; and a complementary protection regime, to ensure that the evidentiary standard does not result in arbitrary or inhumane outcomes; and
- a requirement that persons who meet this standard or qualify for complementary protection be entitled to protection and non-refoulement.

This standard would represent a substantial improvement against frameworks currently in place to redress harms caused to low-lying SIDS communities by climate change. Existing frameworks largely fail to provide justiciable avenues for redress and often mirror historical cases where communities have been forced to relocate to allow land to be put to extractive or military use.

Response to Question 3

In our response to Question 2, we propose the creation of a legal definition and evidentiary standard to implement the international refugee and human rights law regime in domestic-decision making, to protect the rights of climate-displaced persons to live a life with dignity.

ICAAD continues to refine the abovementioned definition and standard in consultation with stakeholders, with a full articulation expected to be published later this year. On a provisional basis, ICAAD summarises its proposal as follows:

- a person's right to life with dignity is violated if they are deprived of, or at risk of being deprived of life, security from serious bodily harm, access to basic necessities of life, such as food, shelter, sanitation, or potable water, or something that is fundamental to the applicant's identity, conscience, or the exercise of the applicant's human rights; and
- a tribunal ought to apply the following evidentiary standard when the tribunal is seized upon to determine whether a climate-displaced person meets the criteria for protection. This standard could be adopted into international laws as well as national immigration policies, bilateral immigration policies, and internal relocation policies:

“An individual is entitled to protection and non-refoulement if there is a reasonable chance that the individual will suffer, in the individual's lifetime, a violation of their right to life with dignity. In cases where multiple similarly situated individuals with familial or community ties apply for protection, some of whom satisfy this reasonable chance standard and some of whom do not, complementary protection should be extended to a non-qualifying applicant if denying protection to the non-qualifying applicant would violate any applicant's right to life with dignity.”

Other examples of policies and practices which could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change include:

- incorporation of the UN Guiding Principles on Internal Displacement into domestic legislation;
- recognition of protected status for persons displaced by climate change and environmental degradation, incorporating a right of return, right to conserve the person's nationality of origin, and right to preserve the unity of families and communities;
- support to diaspora communities for upholding cultural identity, and research/investment into the question of how cultural identities and self-determination can be preserved in new locations;
- measures to mitigate economic precarity and social exclusion for immigrants of all types;
- ensuring that government support and services in destination and transit countries are available to migrants, refugees and asylum seekers. For example, because of their immigration status under the Compact of Free Association with the U.S., many Marshallese live precarious lives and are unable to access government services; and
- ensuring that governments have disaster management plans in place to address the impact of natural disasters and environmental degradation which may affect the enjoyment of the right to life.

Response to Question 4

Relocation of Pacific Island communities affected by climate change is increasingly being discussed as an adaptation measure of last resort. Many island States have developed or are in the process of developing relocation policies, which vary widely in terms of the focus on internal/external relocation, priorities, risk profiles, and formality. The two most comprehensive policies are the Vanuatu Displacement Policy and the Fiji Planned Relocation Guidelines. To assist the Special Rapporteur's work, we attach at Annexure 1 and Annexure 2 high-level summaries of relocation policies we have identified in Pacific Island States and other SIDS.

Existing relocation policies in Pacific SIDS incorporate international human rights instruments to varying degrees. All existing policies that we are aware of appear to account for indigenous knowledge and ways of being in both planning relocation and resettling communities, and there is substantial alignment with ICAAD's proposed legal standard for a right to life with dignity. Policies in development could benefit from the legal standard as a threshold to help define decision-making around planned relocation.

The relocation of residents of the Carterets Islands to the main island of Bougainville provides a practical example of how relocation is being undertaken in the Pacific. The Carterets atoll comprises six low-lying islands that are particularly vulnerable to sea level rise, high tides, storm surges and coastal erosion. Climate change has worsened living conditions in the Carterets Islands to the point that they posed unacceptable risks to the local residents, and *in situ* adaption has been difficult and only moderately successful.⁴

Around 2006, an NGO formed by the local governing body of the Carterets Islands began to respond to these challenges by designing and implementing a relocation plan for the islanders, in collaboration with the Catholic Church and host community.⁵ By taking into account the needs of both the displaced and host communities, the resettlement plan aimed to resolve difficult issues including land acquisition, housing and infrastructure, and agricultural and income generation projects.⁶ It encouraged Carterets Islanders to integrate with local communities by making upgraded infrastructure available to the local communities, encouraging intermarriage and open communication, and holding custom ceremonies for the benefit of both the migrants and hosts.⁷

However, challenges remain. The relocated Carterets Islanders are afraid of losing their cultural heritage, their identity and dignity which are closely linked to the land, and have encountered problems adapting to a new environment.⁸ In addition, the resettlement poses greater challenges for women in the Carterets Islanders (all are matrilineal communities) because the lost lands serve as an important bond between them and their families.⁹

Response to Question 5

Our research for our RTLWD Project has involved discussions with frontline communities in Pacific SIDS who are particularly vulnerable to the adverse impacts of climate change, as well as a literature review of Pacific perspectives on climate migration. This research indicates the following key points of tension between current policy (and lack thereof) and the protection of a right to life with dignity for current and future frontline communities:

- A key challenge for regional policy is balancing the need to preserve the culture and tradition of climate-displaced persons while ensuring that host countries develop necessary infrastructure to support and fulfill their human rights obligations through planned relocation strategies.
- The need to address climate inaction and extractive industry as a priority. Climate displacement is often a devastating consequence of government policy that values economic growth over people and the environment.
- At the policy level, in some jurisdictions, there is a disconnect between government policy and rhetoric and what constituents (particularly those in frontline communities) actually want. For example, constituents might be interested in the government pursuing diplomatic relationships to create pathways for external migration, while the government is more concerned about 'brain drain' and internal relocation.

⁴ Volker Boege and Ursula Rakova (2019) 'Climate Change-Induced Relocation: Problems and Achievements—the Carterets Case', *Toka Peace Institute*, Policy Brief No. 33, https://toda.org/assets/files/resources/policy-briefs/t-pb-33_volker-boege-and-ursula-rakova.pdf, page 3.

⁵ *Ibid*, pages 4-5.

⁶ *Ibid*, pages 5-6.

⁷ *Ibid*, page 5-7.

⁸ *Ibid*, page 8.

⁹ *Ibid*, pages 7-8.

Response to Question 6(b)

A new financial facility for loss and damage could provide redress and remedies for vulnerable individuals and communities who have suffered loss and damage due to the adverse impacts of climate change on their right to a life with dignity.

In the context of frontline communities in the Pacific, a facility could be directed towards:

- funding research into, and infrastructure for, protecting and preserving sites, flora and fauna which are tied to cultural identity and livelihood, particularly for indigenous groups (such as the yellow *hihi* shell in Niue);
- financing relocation for impecunious individuals and communities where their right to life with dignity has been violated and relocation may help mitigate loss and damage;
- providing funding to support host countries in developing relocation policies and infrastructure which protect rights of local communities and climate-displaced persons to a life with dignity;
- funding research into the question of how cultural identities and self-determination can be preserved in new locations, with subsequent funding support to diaspora communities for upholding cultural identity;
- funding measures to mitigate economic precarity and social exclusion for immigrants of all types in host countries;
- funding essential support services in destination and transit countries specifically for migrants, refugees and asylum seekers; and
- funding and supporting the development of disaster management plans and planned relocation policies (where appropriate) in low-lying SIDS.

Response to Question 7

The following climate change mitigation actions are necessary to protect the right to a life with dignity for persons displaced by environmental degradation in the Pacific:

- in line with the principle of common but differentiated responsibilities, an agreement for developed countries with high per capita carbon emissions to contribute to a financial facility for the resettlement of climate-displaced persons;
- robust national, regional and international environmental protection regimes which impose extraterritorial liability for polluting activities and include requirements to compensate affected individuals and communities;
- achieving international/regional agreement to hold countries accountable for causing climate displacement by, for example, mitigating the loss and damage caused by climate change displacement, and supporting the climate-displaced persons' right to life with dignity;
- strengthening and meeting net zero commitments; and
- fighting extractive activities (particularly fossil fuel extraction globally and mining activity in Pacific SIDS).

The possibility that States and other actors will undertake either mitigation or adaptation efforts should not be treated as possibilities that preclude the granting of protection (when considering whether a climate-displaced individual or community meets the standard articulated in response to Questions 2 and 3 above). Nor should States' claims that such efforts will succeed be accorded a presumption of truth. Rather, the possible implementation and effects of mitigation and adaptation should simply be treated as factors affecting the probability that the harm will come to fruition.

Please do not hesitate to contact Hansdeep Singh at hansdeep@icaad.ngo should further information on the RTLWD Project be of assistance.

Annexure 1 Relocation policies in place in Pacific Island States

COUNTRY	NATIONAL PLANNED RELOCATION POLICIES	WHEN MAKING DECISIONS ABOUT PLANNED RELOCATION, WHAT INFORMATION DOES THE GOVERNMENT CONSIDER TO DETERMINE RISK?	HOW DO THESE POLICIES ACCOUNT FOR INDIGENOUS WAYS OF BEING BOTH IN PLANNING RELOCATION AND IN RESETTLING COMMUNITIES IN NEW AREAS?
Cook Islands	Second joint national action plan for climate change and disaster risk management 2016-2020 (2016) ¹⁰	<p>Conduct research on the impacts of sea level rise on our most vulnerable communities and support the development of policies to address climate and disaster related displacement and migration.</p> <p>Develop and implement a national programme for community based integrated vulnerability assessment, climate change adaptation and strengthen disaster risk management and planning.</p>	<p>Encourage a spiritual and cultural approach in promoting coping strategies to inform the design of CC and DRM [climate change and disaster risk management] activities.</p> <p>a. Encourage partnerships with the various Christian denominations and Aronga Mana [traditional tribal councils] to foster community cohesiveness, climate change awareness, and environmental stewardship.</p> <p>b. Record traditional knowledge on early warning signs and coping strategies paying attention to gender considerations.</p> <p>c. Promote traditional knowledge in public awareness and within CC and programmes where relevant.</p>
Federated States of Micronesia	FSM Nation Wide Integrated Disaster Risk Management and Climate Change Policy (2013) ¹¹	<p>A ‘multi-hazard’ risk management approach that integrates disaster risk management, climate change adaptation and greenhouse gas reduction.</p>	<p>Ensure environmental migration is managed to the extent possible in a humane and orderly manner, including the protection of displaced populations</p> <p>Special attention to... the needs of marginalized groups, such as small atoll communities...</p> <p>Recognizing the rights of island communities to their ancestral lands, while acknowledging the role that migration has played, and will, continue to play, as an adaptation strategy to a changing environment.</p>

¹⁰ Available at <https://www.preventionweb.net/english/policies/v.php?id=62739&tid=33> [accessed 1 March 2021].

¹¹ Available at <https://fsm-data.sprep.org/dataset/fsm-nationwide-climate-change-and-disaster-risk-management-policy> [accessed 1 March 2021].

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Fiji	Planned Relocation Guidelines (2018) ¹²	<i>Planned relocation will be one adaptation technique to be considered by the affected communities, ONLY when all adaptation options have been exhausted... the cumulative effects of climate change may render the traditional place of living of some communities uninhabitable, especially when compounded by pre-existing pressures such as overcrowding, unemployment, poor infrastructure, pollution and environmental fragility.</i>	<i>Ensure that the comprehensive, detailed, flexible, and timely relocation plan is in accordance with all other Fijian environmental and climate change policies, including but not limited to, the Bill of Rights in the Constitution of Fiji, the [National Adaptation Plan] Framework, the NDC Implementation Roadmap 2017-2030, [National Climate Change Policy]</i> <i>Collaborate with the affected communities, ensuring the diverse needs of the community are integrated in preparing and elaborating the relocation plan, in accordance with conserving traditions, cultural practices, and human rights standards, by initiating a real dialogue with the affected population and put in place measures to remove obstacles to participation and to capture the views of differently affected groups.</i>
Kiribati	National Framework for Climate Change and Climate Change Adaptation (2013) ¹³	<i>[G]iven the nature of our islands and therefore with increasing sea levels, we need to face the fact that inevitably, we will have to relocate to other areas that will be totally foreign to our way of life.</i>	<i>It will be the responsibility of Government that it ensures that the welfare of its citizenry is maintained and that it takes into consideration in its planning for this ultimate consequence, issues surrounding our human rights as a people both collectively and individually, our heritage and the legacy we leave to our future generations, our culture and traditions and perhaps more importantly the way in which we integrate into mainstream society wherever we may end up.</i> <i>Consideration of what aspects of our culture must be retained so as to retain our identity as I-Kiribati must take the forefront of discussions in the lead up to the inevitable.</i>
Nauru	None identified	N/A	N/A
Niue	None identified	N/A	N/A

¹² Available at <https://www.preventionweb.net/publication/fiji-planned-relocation-guidelines-framework-undertake-climate-change-related> [accessed 1 March 2021].

¹³ Available at <https://www.climate-laws.org/geographies/kiribati/policies/national-framework-for-climate-change-and-climate-change-adaptation> [accessed 1 March 2021].

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Palau	None identified	N/A	N/A
Papua New Guinea	Papua New Guinea national disaster risk reduction framework 2017-2030 (2017) ¹⁴	<i>Promote the mainstreaming of disaster risk assessment, mapping and management into urban and rural development planning especially in areas at risk of disasters.</i>	<i>Consider the relocation of public facilities and infrastructures to areas outside the risk range, wherever possible, in the post-disaster reconstruction process, in consultation with the impacted communities concerned.</i>
Republic of Marshall Islands	National Climate Change Policy Framework (2011) ¹⁵	<i>[L]onger term impacts such as sea level rise could result in the unavoidable out-migration of some of our people.</i>	N/A
Samoa	None identified	N/A	N/A
Solomon Islands	National climate change policy 2012-2017 (2012) ¹⁶	<i>[R]ainfall run-off relationship, Physiographic and intensity trends, Carbon assessments Flood risk trends, Soil analysis, Coastal erosion and sea level rise, Upward migration of bio-zones and ecological refugia, Preservation of genetic diversity, Coral bleaching and aquatic ecosystem stability.</i> <i>Empower rural communities, schools and rural-based institutions through participatory training to acquire skills to conduct simple and</i>	<i>Promote and support the documentation and use of indigenous knowledge and scientific investigations and encourage their application in enhancing the resilience of people and ecosystems to climate variability and climate change.</i> <i>The culture and rights of indigenous communities shall be respected throughout the planning and implementation of climate change mitigation, adaptation and disaster risk reduction programs and activities.</i>

¹⁴ Available at <https://www.preventionweb.net/publication/papua-new-guinea-national-disaster-risk-reduction-framework-2017-2030> [accessed 1 March 2021].

¹⁵ Available at https://www.sprep.org/attachments/Climate_Change/RMI_NCCP.pdf [accessed 1 March 2021].

¹⁶ Available at <https://www.preventionweb.net/publication/solomon-islands-national-climate-change-policy-2012-2017> [accessed 1 March 2021].

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		<i>appropriate methods of collecting and managing localised climate data and information.</i>	
Tonga	<u>Climate change policy - A resilient Tonga by 2035 (2016)</u> ¹⁷	<i>[A]nalysis and use of data (including Greenhouse gases, vulnerability & climate data) to monitor climate, sea level change and their effects. Train and draw on local personnel whose local knowledge of the area will be of utmost value.</i>	<i>Encourage the participation of communities in the planning, management and implementation of adaptation measures within their communities.</i>
Tuvalu	<u>National Strategic Action Plan for Climate Change and Disaster Risk Management (2012)</u> ¹⁸	<i>Determine the point of forced migration/relocation through sound scientific and socio-economic assessments including any relevant studies.</i>	<i>Develop a climate change migration/resettlement plan (in consultation with possible host nations, if appropriate) for each island in view of climate change impacts in consideration of the following: Maintaining Tuvalu's identity and integrity of its traditions and customs.</i>
Vanuatu	<u>National policy on climate change and disaster-induced displacement (2018)</u> ¹⁹	<i>Multi-hazards national risk mapping and vulnerability assessments to identify at-risk populations prior to disaster events and to ensure that displaced populations are not returning to hazard-prone areas or settling in new hazard-prone areas Information on the needs, preferences, profile, locations and mobility patterns of displaced</i>	<i>Ensure community-led and participatory approaches, are used to develop all safeguards, guidelines and Standard Operating Procedures Good practice relocation safeguards also aim to address all direct economic and social losses resulting from land taking and restriction of access to land, including... loss of cultural and traditional knowledge and networks An emphasis should also be placed on promoting voluntary land arrangements with the free, prior and informed consent of custom land holders, rather than involuntary land acquisition.</i>

¹⁷ Available at <https://www.preventionweb.net/publication/tonga-climate-change-policy-resilient-tonga-2035> [accessed 1 March 2021].

¹⁸ Available at <http://extwprlegs1.fao.org/docs/pdf/tuv141428.pdf> [accessed 1 March 2021].

¹⁹ Available at https://www.iom.int/sites/default/files/press_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf [accessed 1 March 2021].

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		<p><i>people, at-risk populations, internal migrants and host communities</i></p> <p><i>Gender-inclusive participatory methodologies, which involve communities in hazards-mapping and capture local knowledge about hazards.</i></p>	<p><i>Affordable and culturally appropriate housing options need to be designed for development on newly acquired land, in partnership with the communities involved... traditional climate/disaster-resilient architecture should be supported where appropriate</i></p> <p><i>A process for mapping traditional knowledge should be undertaken as an early step in preparing for displacement, whether communities return or relocate in new locations. Existing initiatives underway to map traditional knowledge could be more explicitly linked to displacement and adaptation.</i></p> <p><i>Showcase traditional knowledge, including stories of migration.</i></p>

Annexure 2 Relocation policies in place in other Small Island Developing States

COUNTRY	NATIONAL PLANNED RELOCATION POLICIES	WHEN MAKING DECISIONS ABOUT PLANNED RELOCATION, WHAT INFORMATION DOES THE GOVERNMENT CONSIDER TO DETERMINE RISK?	HOW DO THESE POLICIES ACCOUNT FOR INDIGENOUS WAYS OF BEING BOTH IN PLANNING RELOCATION AND IN RESETTLING COMMUNITIES IN NEW AREAS?
Antigua and Barbuda	None identified	N/A	N/A
Bahamas	National policy for the adaptation to climate change (2015) ²⁰	<p><i>Develop the basis for sound decision-making by further developing the capacity to undertake research into relevant Climate Change processes which may affect coastal human settlements</i></p> <p><i>Undertake a comprehensive assessment of human settlements and related infrastructure at risk from the effects of Climate Change, using, inter alia, risk mapping incorporation of the findings into the National Land Use Management Plan, and into the planning processes of the National Emergency Management Agency (NEMA) of the Cabinet Office.</i>²¹</p>	N/A
Bahrain	None identified	N/A	N/A
Barbados	None identified	N/A	N/A
Belize	None identified	N/A	N/A

²⁰ The Commonwealth of the Bahamas, *National policy for the adaptation to climate change* (2015). Available at https://www.preventionweb.net/files/60986_5b2b9776d.pdf [accessed 5 July 2021].

²¹ Ibid, pages 11-12.

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Cabo Verde	None identified	N/A	N/A
Comoros	None identified	N/A	N/A
Cuba	None identified	N/A	N/A
Dominica	Dominica climate resilience and recovery plan 2020-2030 (2020) ²²	<i>Centre of Excellence for Data in Resilience Decision-making will establish a dedicated geographical information systems (GIS) unit within the Ministry of Economic Affairs, Planning, Resilience, Sustainable Development, Telecommunications and Broadcasting, centralize the gathering of data (GIS and beyond), and institutionalize a data-driven approach to all key planning decisions. This unit will be critical to the finalization and implementation of the Resilient Dominica Physical Plan, including activities related to land management, hazard mapping, and infrastructure planning.</i> ²³	<i>A climate and gender sensitive Kalinago Territory Development Plan must be developed that includes capacity building for the community and the Council, and a community engagement strategy. There also needs to be training in climate resilient and disaster risk reduction measures, along with establishment of sustainable and climate resilient agricultural practices. Mainstreaming of gender and environmental issues must be incorporated with poverty reduction and unemployment specific targets. The latter often results in the reduction of underlying social challenges that can adversely affect communities.</i> ²⁴ <i>Additionally, the challenge of access to financing must be resolved through establishment of a Kalinago development Fund specifically designed to consider the communal land ownership. This will allow entrepreneurial activities and provide commercial opportunities for Kalinago. Greater partnerships are also required with other indigenous people to exchange ideas, and build capacity based on common challenges.</i> ²⁵

²² Dominica Climate Resilience and Recovery Plan 2020-2030 (2020). Available at: [https://www.preventionweb.net/publication/dominica-climate-resilience-and-recovery-plan-2020-2030#:~:text=In%20response%20to%20the%20destruction,Development%20Strategy%202030%20\(NRDS\).](https://www.preventionweb.net/publication/dominica-climate-resilience-and-recovery-plan-2020-2030#:~:text=In%20response%20to%20the%20destruction,Development%20Strategy%202030%20(NRDS).)

²³ Ibid, page iv.

²⁴ Ibid, page 42.

²⁵ Ibid, page 42.

COUNTRY	NATIONAL PLANNED RELOCATION POLICIES	WHEN MAKING DECISIONS ABOUT PLANNED RELOCATION, WHAT INFORMATION DOES THE GOVERNMENT CONSIDER TO DETERMINE RISK?	HOW DO THESE POLICIES ACCOUNT FOR INDIGENOUS WAYS OF BEING BOTH IN PLANNING RELOCATION AND IN RESETTLING COMMUNITIES IN NEW AREAS?
Dominican Republic	None identified	N/A	N/A
Grenada	None identified	N/A	N/A
Guinea-Bissau	None identified	N/A	N/A
Guyana	Guyana: Climate resilience strategy and action plan (2015) ²⁶	<p><i>Information is also limited, consisting of traditional knowledge, available Hydromet data and a climate change community manual.²⁷</i></p> <p><i>Train local community members in skills required for monitoring and evaluation.²⁸</i></p> <p><i>...climate vulnerabilities and risks facing Guyana were assessed using existing published information, and climate resilience actions were identified across economic and social sectors, and at national, sub-national and local levels wherever possible. The approach taken was tiered and utilised the following components:</i></p>	<p><i>Ensure the resilience actions proposed and implemented are aligned with the UN Declaration on the Rights of Indigenous Peoples³⁰</i></p> <p><i>Capacity to deal with climate impacts to indigenous peoples is affected by a number of barriers - informational, technological, institutional and regulatory, among others. There is also a need for empowerment at the local level and for community members to be able to contribute to policy processes.³¹</i></p> <p><i>Sea level rise and extreme events causes flooding in the Low-lying areas of the coastal region of Guyana with the consequence that the livelihoods of indigenous communities, which live along the waterways, are threatened.³²</i></p>

²⁶ Ministry of the Presidency, *Climate Resilience Strategy and Action Plan for Guyana: Draft for Consultation* (November 2015), page 137. Available at: <https://www.preventionweb.net/publication/guyana-climate-resilience-strategy-and-action-plan>.

²⁷ Ibid, page 137.

²⁸ Ibid, page 200.

³⁰ Ibid, page 201.

³¹ Ibid, page 194.

³² Ibid, page 206.

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		<p><i>Vulnerability assessment - reviewing available published literature and holding discussions with stakeholders to identify the sectors most vulnerable to current climate variability and future climate change, in terms of sensitivity, exposure and adaptive capacity....</i></p> <p><i>Risk assessment - drilling down into specific climate-related risks and opportunities that the most vulnerable sectors face and assigning likelihood and consequence scores based on published information and discussions with stakeholders.²⁹</i></p>	<p><i>Sea level rise causes flooding with the consequence that coastal indigenous peoples' village livelihoods are threatened and relocation may be necessary, with recognition of ancestral land rights.³³</i></p> <p><i>Review land use planning policies, particularly in the context of a potential move inland to avoid flood risk and considering indigenous people's rights³⁴</i></p>
Haiti	None identified	N/A	N/A
Jamaica	None identified	N/A	N/A
Maldives	National framework for managing internally displaced persons the Maldives in case of disaster (2013) ³⁵	<p><i>1. Carry out a rapid needs assessment to identify the shelter & settlement... Conduct a comprehensive vulnerability and risk assessment of the island using the Risk, Vulnerability and Adaptive Capacity Assessment Tool-Maldives...</i></p> <p><i>2. Individually assess the people with special needs in providing access e.g.: ramps. The</i></p>	<p><i>Some people may have difficulties accessing shelter and settlement assistance, due to physical, cultural, economic and social barriers. In understanding and responding to these, pay attention to the following:</i></p> <p><i>...People facing unique protection risks and groups at particular risk of discrimination and social exclusion due to:</i></p>

²⁹ Ibid, page 40.

³³ Ibid, page 206.

³⁴ Ibid, page 200.

³⁵ *National framework for managing internally displaced persons the Maldives in case of disaster* (2013), page 21. Available at: <https://www.preventionweb.net/publication/national-framework-managing-internally-displaced-persons-maldives-case-disaster>.

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		<p><i>disaster-affected population along with the relevant authorities should be involved in any such assessment.</i>³⁶</p>	<p><i>their ethnicity, nationality, caste, indigenous group, or religious or political affiliation;</i></p> <p><i>their tenure situation, displacement status, informal settler status or renter status;</i></p> <p><i>the location of dwellings that are difficult to access, in hazardous areas, insecure areas, urban settlements or informal settlements; and</i></p> <p><i>their vulnerability and status within society.</i>³⁷</p>
Mauritius	National progress report on the implementation of the Hyogo Framework for Action (2013-2015) (2015) ³⁸	<p><i>Landslide risk areas have already been mapped in Mauritius and Rodrigues according to different levels of severity and risk. Soil stabilization in 2 high risk areas is underway in Mauritius. Plans to relocate inhabitants in one risk areas over the eastern coast of Mauritius have been finalized.</i>³⁹</p> <p><i>Coastal inundation risk map for tsunami waves are being/ have been prepared. Other risk maps showing coastal inundation for high waves have also been identified. A project to set up an early warning system for storm surge is underway.</i>⁴⁰</p>	N/A

³⁶ Ibid, page 21.

³⁷ The Sphere Handbook 2018 Edition, page 244. Available at: <https://www.unicef.org/media/61556/file>.

³⁸ Mauritius Meteorological Service, *National progress report on the implementation of the Hyogo Framework for Action (2013-2015)* (2015) page 3. Available at https://www.preventionweb.net/files/42064_MUS_NationalHFAprogress_2013-15.pdf [accessed 6/07/2021].

³⁹ Ibid, page 3.

⁴⁰ Ibid, page 3.

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		<p><i>It has been a practice since long time to have local cyclone and other natural disaster committees set up at different district councils and municipalities which met once a year. With the setting up of NDRRMC and at the same time local disaster risk reduction committee, these meeting are made on a quarterly basis in a year. Through such committee there is a constant monitoring of disaster within communities and ways to prevent disasters are being investigated into.⁴¹</i></p>	
Singapore	None identified	N/A	N/A
St.Kitts and Nevis	None identified	N/A	N/A
St.Lucia	None identified	N/A	N/A
St. Vincent and the Grenadines	None identified	N/A	N/A
Seychelles	Seychelles coastal management plan (2019) ⁴²	<p><i>Coastal hydrodynamic data collection, Bathymetric survey and technology, Habitat mapping and technology,</i></p>	N/A

⁴¹ Ibid, page 31.

⁴² *Seychelles coastal management plan* (2019), page 52. Available at: https://drmims.sadc.int/sites/default/files/document/2020-03/Seychelles_coastal_management_plan_2019-24.pdf.

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		<i>Shoreline, beach, and coastal vegetation evolution monitoring, and Coastal modelling system.</i> ⁴³	
Suriname	None identified	N/A	N/A
Timor-Leste	None identified	N/A	N/A

⁴³ Ibid, page 52.