Department of Political Science

Bachelor's Degree in Politics, Philosophy and Economics

Chair of International Law

Climate Change Adaptation under International Law: The Case Study of Planned Relocation in Fiji.

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Introduction

In recent years climate change has drawn a large amount of attention. Its causes have been widely discussed, it has been described as the greatest challenge of our time and citizens have protested all over the globe. It may be stated that one phrase has stuck out particularly in the myriad of slogans used. « Climate change is here to stay! ».

Climate change is identified as a long-term increase in temperature and weather patterns and is a consequence of the actions and choices taken by human begins. It is widely known that global warming can have natural causes, however, since the 1800s it has been mostly human driven. According to the Intergovernmental Panel on Climate Change (IPCC) in 2017 human induced warming caused temperatures to increase by 1°C above preindustrial levels[1].

A chain reaction is taking place. What must be taken into consideration is not only the gravity of our actions but in turn the consequences of climate change. As green-house gas (GHG) emissions continue to increase and temperatures rise, climatic phenomena tend to increase in number and in power. Typically, two types of phenomena can be identified: those that are slow onset such as rising sea levels or desertification, and extreme phenomena such as floods and tsunamis. These phenomena, whether they are slow or fast, are in both cases dangerous.

Indeed, if the world population stopped emitting greenhouse gases (GHG) tomorrow «we should only see marginal changes for the better in 30 to 40 years[2] ». This thesis will therefore focus on the role climate change adaptation law has in mitigating the consequences of climate change by focusing on adaptation tactics. Adaptation can be identified as « different types of activities aimed at reducing exposure and vulnerability to, and improving resilience to, climate change[3] ». Climate change adaptation law is a multifaceted legal framework. Not to be confused with climate change mitigation law that attempts to prevent the increase in GHG emissions. Adaptation law comes into play once the effects of climate change have begun to be seen.

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[1] Intergovernmental Panel on Climate Change, *Global Warming of 1.5 °C*, https://www.ipcc.ch/sr15/chapter/chapter-1/, 2017, (Accessed 21 March 2022).
[2] VERSCHUUREN J., *Research handbook on climate change adaptation law*, 2013, pp.1-4.
[3] KURAL E., DELLMUTH L.M., GUSTAFSSON M.T., *International organizations and climate change adaptation: A new dataset for the social scientific study of adaptation*, 1990–2017, Stockholm, 2021, pp.1-18.

In the first chapter a background on climate change adaptation is given as well as an analysis of climate adaptation in United Nations (UN) treaties. The second chapter focuses on the concrete options given by climate change adaptation in various legal forms. Special attention will be given to planned relocation of endangered persons. The chapter will then analyze the potential challenges that planned relocation could face and inherently cause. This will be done following the work of McAdam and Ferris closely. The third and final chapter tackles case studies presenting a more pragmatic view on the issue. The Fiji Islands case[4] will be taken into consideration to illustrate how planned relocation can be efficiently put into action. Three specific case studies will be taken into consideration to illustrate a variety of scenarios. Studying these cases will shed light on issues that arise during planned relocations and a hypothetical solution, by Benoit Mayer, will be present.

[4]MCMICHAEL C., POWELL T., *Planned Relocation and Health: A Case Study from Fiji*, International Journal of Environmental Research and Public Health, Vol.18, 2021, pp.1-17.

Chapter 1

Climate change adaptation in UN treaties

1. What is climate change adaptation?

Climate change adaptation was defined as «the process of adjustment to actual or expected climate and its effects […] to moderate or avoid harm or exploit beneficial opportunities[5]» in the Fifth Assessment Report carried out by the IPCC. It allows for specific statutory provisions to be put into place to handle such situations. Everchanging climatic conditions affect states in more ways than meets the eye and can be dramatically different. This allows climate change adaptation to be a very vast area of study. Every state may have distinct issues and decide to deal with said issues in the manner they see fit, given the circumstances. Adaptation law is present or is being developed by most states, but it has received very little international attention. Most information has been spread regarding climate change mitigation. Mitigation such as setting quotas for GHG emissions is crucial, and if fuel usage were reduced fewer adaptation measures would be needed. However, past emissions have created consequences that are nowadays unavoidable. This chapter will discuss the role of global warming adaptation in international treaties throughout the years.

1.1 Principal International Agreements

As stated by Benoit Mayer[6], the main objective of the United Nations Framework Convention on Climate Change (UNFCCC) is global warming mitigation therefore most protocols and conventions focus mainly on the prevention of climate change. However, in 1992 the UN held a convention focused on climate change[7]. Now 20 years ago the UN included roughly an equal number of measures focused on climate mitigation and climate adaptation. In

[5]IPCC, Climate Change Synthesis Report, https://www.ipcc.ch/report/ar5/syr/, 2014.
[6] MAYER B., *Climate Change Adaptation Law: Is There Such a Thing?* in MAYER B., ZAHAR A., *Debating Climate Law,* Cambridge, 2021, pp. 1-14
[7] United Nations Framework Convention on Climate Change, New York: United Nations, General Assembly, 1992.

fact, the 1992 Framework Convention on Climate Change urged its 197 signatories to formulate adequate adaptation measures, and cooperate in their preparation, in various sectors. An example is coastal zone management and water resources focusing on at-risk zones such as Africa. This example is particularly relevant seeing as Article 4 (4) specifically calls on developed parties to «assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects[8]».

The 1992 Framework convention was simply a starting point. The Kyoto Protocol[9] was then held in 1997 as an extension to the afore mentioned convention. The protocol put in place measures to facilitate the development and deployment of technologies that increase resilience to the effects of climate change. The protocol is supported by its Adaptation Fund. This finances the adaptation projects and programs planed in developing country parties to the Kyoto Protocol. The Adaptation fund is financed with 2% of the proceeds of certified emission reductions (CERs) issued for a clean development mechanism (CDM) project activity.

1.2 Bali, a turning point

Up to 2007 adaptation was always included in treaties however it was not considered a priority. The Bali Action Plan[10] in fact focused primarily on climate change adaptation and drew copious amounts of attention to the topic. It can be stated that the Bali Action Plan set a turning point in the development of adaptation on a global scale. In fact, a study[11] by scholars of Stockholm University proved just that.

Kural, Dellmuth, and Gustafsson studied the involvement and activities carried out by International Organizations (IOs) regarding climate change adaptation. Although, as stated prior, adaptation measures are usually planned and carried out at a national if not regional level, IOs are nonetheless involved. In this sector their involvement is mainly financial. The team at Stockholm University compared the IO engagements with adaptation across issue areas over a

[8]UNFCCC, General Assembly, «cit.», nota 7.
[9]International Environmental Law Kyoto Protocol to the United Nations Framework Convention on Climate Change, concluded in Kyoto on 10 December and entered into force on 16 February 2005.
[10] Report of the Conference of the Parties on its thirteenth session, concluded in Bali on 15 December 2007.
[11]KURAL E., DELLMUTH L.M., GUSTAFSSON M.T., *International organizations and climate change adaptation: A new dataset for the social scientific study of adaptation*, «cit.» nota. 3.

time span, here adaptation engagements are defined as actions or decisions whose goal is the reduction of the negative effects created by global warming. To do so the scholars put together a dataset on the engagement of 30 IOs in the field of adaptation from 1990 to 2017.

They proved that since 2007, the year of the Bali Framework, engagement in adaptation activities on behalf of IOs of all kinds has risen as shown (fig.1, fig.2). Interestingly the increase in engagement was global; therefore, all global macro regions saw an important increase in attention to adaptation. Not only so, IOs specialized in disaster risk reduction and development banking are the most engaged out of the 30 IOs studied. These are just a few examples of concrete action that can be taken as a form of climate change adaptation. Specific measures will be better discussed in the following chapter.

Figure 1:

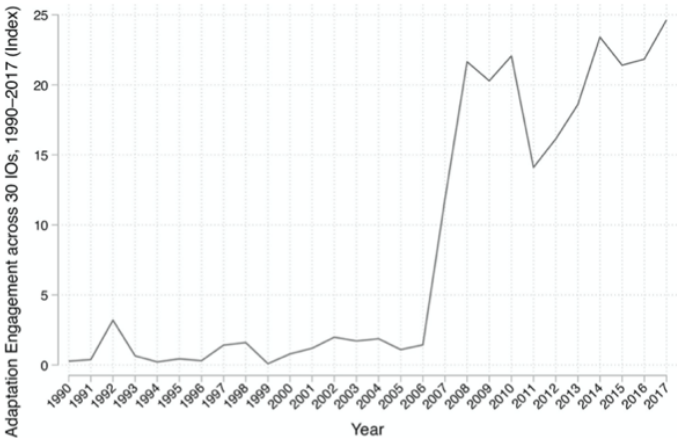

Fig 1. IO Engagement Index across 30 IOs, yearly averages.

https://doi.org/10.1371/journal.pone.0257101.g001

Figure 2:

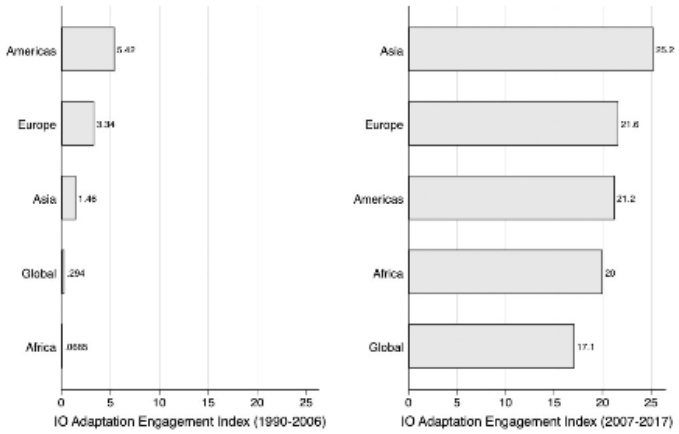

Fig 5. Average IO Engagement Index, by world region (1990–2017).

https://doi.org/10.1371/journal.pone.0257101.g005

1.3 The Cancun Adaptation Framework and the Paris Accords

Later in 2010 the Cancun Adaptation Framework (COP 16) was stipulated in concordance with the creation of the Adaptation Committee. Least developed countries (LDCs) were taken in consideration and a process was set in place for them to develop National adaptation plans (NAPs) following the advice of the LDC expert group. The signatories in fact concluded that adaptation should be carried out keeping in mind vulnerable ecosystems, communities, and groups, and that it shall «follow a country-driven, gender-sensitive, participatory, and fully transparent approach[12]». In the 2019 report[13] on adaptation published by the UNFCCC COP 16 was described as a concrete step towards comprehensive adaptation.

The widely discussed Paris Agreement[14] was then constructed and entered into force in 2016. The Paris Climate Accords contain an entire article dedicated solely to adaptation. The article in question, Article 7, acknowledges the need for adaptation measures and understands these

[12] 16th Conference of the Parties (COP) under the United Nations Framework Convention on Climate Change (UNFCCC), Cancun, 2010.

[13]United Nations Climate Change Secretariat, *25 Years of Adaptation under the UNFCCC Report by the Adaptation Committee*. [online] Bonn, https://unfccc.int/sites/default/files/resource/AC_25%20Years%20of%20Adaptation%20Under%20the%20UNFCCC_2019.pdf, 2019, [Accessed 27 March 2022].

[14] Paris Agreement to the United Nations Framework Convention on Climate Change, concluded in Paris on 12 December 2015 and entered into force on 4 November 2016.

measures are obliged to be implemented by states depending on the risks they face. States should then submit and periodically update an adaptation communication describing their priorities, needs, plans, and actions. The Agreement references the principles found in the afore mentioned Cancun Adaptation Framework. The Paris Agreement establishes a global goal on adaptation «enhancing adaptive capacity, strengthening resilience, and reducing vulnerability to climate change in the context of the temperature goal[15] » established by the Agreement. Strengthening national adaptation efforts, including through support and international cooperation is paramount.

It may be stated that the Paris Climate Accords recognized that adaptation as a global challenge faced by all and brought climate adaptation to the international playing field whereas prior it was a more national undertaking. It did so by linking it to existing international climate change mitigation objectives, as seen in Article 7. The Paris Agreement also set up the enhanced transparency framework. This allows states to publish reports updating their counterparts on their current achievements and struggles.

1.4 The Executive Committee of the Warsaw International Mechanism for Loss and Damage

In 2013 the Executive Committee of the Warsaw International Mechanism for Loss and Damage was created. This additional body also focused on, as its name suggests, the loss and damage caused by climate change to developing countries. The committee works on all kinds of loss and damage be those of physical or purely of economic nature. It does so through the work of numerous expert groups. The Committee in turn acts in various manners. In 2015 it created the Task Force on Displacement and has also been aiding developing counties in need by creating platforms such as the Fiji Clearing House for Risk Transfer which will be discussed at length in the final chapter. The following chapter, however, will focus in detail on the actual implication of climate change adaptation particularly planned relocation what it entails as well as its main challenges.

[15] Paris Agreement to the United Nations Framework Convention on Climate Change, «cit.» nota 14.

Chapter 2

Planned Relocation: practical implications

1. Adaptation measures

Climate change adaptation measures are set in place to handle the effects of global warming. The term handle is somewhat vague. Adaptation should mitigate the negative consequences of climate change, be those of an economic or sanitary nature. However, this does not by any means signify that it should maintain or preserve the current display of society or the current status quo. As stated by Robin Kundis Craig « climate change adaptation law and policy, by definition, cannot be preservationist[16]». Adaptation legislation poses new challenges and requires alternate ways of thinking.

Adaptation measures can be of all types, shapes and sizes, however according to a report on climate change adaptation published in 2019 by the UNFCCC, the iterative adaptation process is composed of four steps. Assessing impacts, vulnerability, risks, and resilience, planning for adaptation, implementing adaptation measures, and finally monitoring and evaluating adaptation. The first step aims at gathering information on how global warming is impacting an area, how this will change and how it is expected to behave if left untouched by adaptation measures. The second and third steps identify possible adaptation solutions and implement them. It must be stated that not all situations will be addressed there will in in some cases be loss acceptance. The last step helps gather information on the success of the case. It additionally makes sure mistakes are spotted and hopefully not repeated.

[16] KUNDIS CRAIG R., *'Stationarity Is Dead, Long Live Transformation: Five Principles for Climate Change Adaptation Law'*, 2010, pp.9- 30.

Adaptation actions can be described through the « intent, timing of the action, and their temporal and spatial scope(s) […] their flexibility, reversibility, and robustness. »[17] the typology of climate change adaptation tactics can in fact be found in Table 1[18].

ADAPTATION			
Based on	**Type of adaptation**		
Intent *In relation to climatic stimulus*	**Autonomous** *E.g unmanaged natural systems*		**Planned** *E.g. public agencies*
Timing of action	**Reactive** *From observed modification*	**Concurrent** *During*	**Anticipatory** *Prior modification*
Temporal scope	**Short Term** *Adjustments, instantaneous, autonomous*		**Long Term** *Adaptation, cumulative, policy*
Spatial scope	**Localized**		**Widespread**

Simply attempting to list adaptation techniques proves more difficult than expected given the vast array of climatic conditions that require adaptation to take place. However, an example can be given to clarify. If the sea level were to rise notably along the shore of an inhabited country reducing the land in use and possibly damaging existing infrastructures, dikes would be built. Infrastructures would be put in place to protect and preserve the shoreline as well as the population[19]. In this case the measures are planned, reactive and long-term.

2. Planned relocation

If planned relocation, due to climate change, were to be explained to a child, it would most probably be described as migration due to a change in the average weather patterns within one's

[17] REFSGAARD J. C., ARNBJERG-NIELSEN K., DREWS M., HALSNAES K., JEPPENSEN E., MADSEN H., MARKANDYA A., OLSEN J. E., PORTER J. R., CHRISTENSEN, J. H., *The role of uncertainty in climate change adaptation strategies—a Danish water management example, Mitigation and Adaptation Strategies for Global Change, Denmark*, 2012, pp. 337–359.

[18] JEPPESEN E., KRONVANG B., MEERHOFF M., SØNDERGAARD M., HANSEN K.M., ANDERSEN H.E., LAURIDSEN T.L., LIBORIUSSEN L., BEKLIOGLU M., OZEN A., OLESEN J.E., *Climate change effects on runoff; catchment phosphorous load and lake ecological state, and potential adaptations*, in Journal of Environmental, 2009.

[19] BARENDS F.B.J., *Groundwater mechanics in flood risk management*, in KONO, I., NISHIGAKI, M., KOMATZU M., *Groundwater Engineering: Recent* Advances, Rotterdam, 2003, pp. 53-66.

climate. Humans have for decades migrated and moved to avoid the consequences of climate and the seasons. Climate change has now reached new heights, and people have evolved and built a world where migration due to climate is no longer needed year-round to survive. Planned relocation is defined, by the UNHCR as a «solutions-oriented measure, involving the State, in which a community is physically moved to another location and resettled there[20] ». This since their place of origin is no longer habitable due to reasons that include climate change. Additionally, the 2021 Groundswell report[21] published by the World Bank hypothesizes that global warming will cause roughly 216 million people to be internally displaced by 2050.

Planned relocation can be considered an adaptation technique due to three main reasons. According to the Nansen Initiative[22], a state led initiative for dialogue regarding the needs of people that have been displaced due to climate change outside their country of origin (COO), it can be a "preventative measure" or a "durable solution" both in a person's COO and elsewhere. If an area is at risk and is no longer safe to inhabit citizens residing in that area may be moved to another location within the country either for a temporary period or indefinitely, depending on the gravity of the situation at hand. It is also possible to relocate people to other states if a large part of their COO is no longer fit to live in. This is a rare occurrence and typically only takes place in very small countries. Panned relocation can be activated by the state, other entities, or the endangered communities themselves and therefore may be either forced or voluntary. It is usually the last resort.

2.1 Climate migrants or IDPs

Although they are commonly referred to as climate refugees, those who are forced to relocate due to global warming are not considered refugees on the international playing field. The 1951 convention and the 1967 protocol both relating to the status of refugees, define a refugee as a person who is outside his or her COOs borders and cannot or will not return due

[20] UNHCR, Brookings and Georgetown University, Guidance on protecting people from disasters and environmental change through planned relocation, 2015.
[21] The World Bank, *Climate Change Could Force 216 Million People to Migrate Within Their Own Countries by 2050*, Washington, 2021.
[22] Nansen Initiative on Disaster-Induced Cross-Border Displacement, '*Cross-Border Displacement in the Context of Disasters and Climate Change: A Protection Agenda*', 2015, para 62.

to a «well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion[23]». Climate migrants will in fact not be considered refugees. Additionally, persons who have relocated due to climate change may not be considered migrants, as stated by Walter Kälin «Their status remains unclear[24]».

On the other hand, a line must be drawn between refugees and internally displaced persons (IDPs). As the acronym suggests IDPs are people that are displaced within their country, on various occasions people that suffer from climate change are relocated within their state boundaries. In the UN's 1998 Guiding Principles on Internal Displacement an IDP is defined as a person who has fled their residence due to «armed conflict, situations of generalised violence, human rights violations, or man-made natural disasters[25]» but has remained in their COO. The guidelines in place may seem outdated, although they are still in force. In 2009 the United Nations High Commissioner for Refugees (UNHCR) published a policy paper[26] on the matter where it acknowledged that climate migration is a phenomenon that is steadily increasing. It hypothesized that states would force individuals to flee endangered areas and relocate seeing as a return will most likely not be a viable option. The paper states «It is likely that the affected persons would qualify as IDPs and, once again, be protected by the 1998 Guiding Principles on Internal Displacement[27]».

2.2 Theory In Practice

Given the complexity of the international law in place, it seems only natural that adaptation measures and particularly planned relocation be dealt with predominantly by state and regional institutions, apart from a few regional organizations. McAdams and Ferris[28] indeed describe the preparation and consideration of planned relocation, at an international level, as

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[23] Un High Commissioner for Refugees (UNHCR), The 1951 Convention Relating to the Status of Refugees, concluded in Geneva on 28 July 1951 and entered into force on 22 April 1954.
[24] KÄLIN W., *'The Climate Change – Displacement Nexus'*, Panel on disaster risk reduction and preparedness: addressing the humanitarian consequences of natural disasters, ECOSOC Humanitarian Affairs Segment, https://www.brookings.edu/on-the-record/the-climate-change-displacement-nexus/, 2008.
[25] UN High Commissioner for Refugees (UNHCR), Guiding Principles on Internal Displacement, 1998.
[26] UNHCR, "*Climate change, natural disasters and human displacement: a UNHCR Perspective",* Geneva, 2009.
[27] UNHCR, *Climate change a UNHCR Perspective*, «cit.», nota 26.
[28] MCADAM J., FERRIS E., *"Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues"*, Cambridge International Law Journal 4, 2015, pp. 137-166.

elementary. It became clear that preparation for planned relocation was needed and that there was a will to do so at the expert consultations of Sanremo[29] and Bellagio[30] in 2014 and 2015 respectively. The Sanremo Consultation focused on relocation within state borders. It aimed at increasing cooperation and including other possible actors in the process. Following recent research and passed experience to better the process as well as focusing on the needs and rights of affected communities, which will be later analyzed[31].

Regardless of paragraph 14 of the COP 19 to the UNFCCC held in Cancun that calls upon states to increase action on «measures to enhance understanding, coordination, and cooperation concerning climate change-induced displacement, migration and planned relocation[32] » fairly little has been done on behalf of states. Fiji is one of the few that has put in place state guidelines for planned relocation[33]. Not only so, but the Fijian Government has also began taking preventive action, studying their rural societies to assess whether they might need to be relocated in the foreseeable future[34]. This is because their precarious situation has made it necessary to do so. Similarly Caribbean countries seem to be very advanced in this sector seeing as they are considerably more at risk than others. Certain states have already experienced planned relocation on a limited scale as alleged by the International Organization on Migration (IOM)[35]. The Dominican Republic relocated the community of Boca de Cachón in 2014 due to the rise of lake waters. Jamaica has experienced relocation as well[36].

3. Challenges

[29] UNHCR, planned relocation, disasters, and climate change: consolidating good practices and preparing for the future report, Sanremo, 12–14 March 2014.
[30] UNHCR, Brookings and Georgetown University, Bellagio Consultation, 18–22 May 2015.
[31] UNHCR, Sanremo report, «cit.», nota 29.
[32] 16th Conference of the Parties (COP) under the United Nations Framework Convention on Climate Change (UNFCCC), Cancun, 2010, «cit.», nota 12.
[33] MCADAM J., FERRIS E., "Planned Relocations in the Context of Climate Change", «cit.», nota 28.
[34] UNHCR, Bellagio Consultation, «cit.», nota 30.
[35] International Organization on Migration, *Planned Relocation: four points to consider in a changing environment*, regional office for central America, north America and the Caribbean, https://rosanjose.iom.int/en/blogs/planned-relocation-four-points-consider-changing-environment, 2019, [Accessed 5th May 2022].
[36] IOM, *Planned Relocation: four points to consider in a changing environment*, «cit.» nota 35.

The process of creating and implementing adaptation measures entails various steps, as described prior. Issues may arise throughout these steps that may either prolong the process or prevent it from taking place entirely. In 2014 the Austrian Environment Agency released a handbook[37] for cities and provinces illustrating the methods and tools needed in global warming adaptation. The handbook highlights a set of recurring challenges that hinder adaptation projects. Most challenges, with regards to adaptation, have nothing to do with the issue itself but rather the people responsible for the project. Often, the bureaucratic and political structures in place impede the project from happening.

Planned relocation may cause significant difficulties both in its implementation and its aftermath. The focus will be placed on the latter. Relocation of entire communities to different areas for indefinite periods causes commotion to the communities themselves but also to those already present in the new area. The IPCC claimed that «most practice to date, learning from other resettlement programs, demonstrates negative social outcomes for those resettled, often analyzed as breaches in individual human rights[38]».

3.1 Planned relocation and DIDR

Development-induced displacement and resettlement (DIDR) and planned relocations are frequently compared. Although they do have clear differences, they share key aspects, and far more literature is available regarding the consequences of DIDR that can be utilized. Said literature is based on the data collected after large-scale resettlement projects that have taken place due to development plans entering into force[39]

It is necessary to clearly state the key similarities and differences for the comparison to be coherent. DIDR projects are usually brought forth by private enterprises, therefore they tend to have more funds at hand than planned relocation projects, carried out by states. Additionally,

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[37] Environment Agency Austria, *Methods and Tools for Adaptation to Climate Change. A Handbook for Provinces, Regions and Cities*, Wien, 2014.

[38] FIELD C.B., '*Climate Change 2014: Impacts, Adaptation, and Vulnerability*. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change' , 2014, pp.77.

[39] PETZ D., *Just Relocation? Planned Relocation from Climate Change, Human Rights and Justice*, in SALOMON S., HESCHL L., OBERLEITNER BERLEITNER G., BENEDEK W., *Blurring Boundaries. Human Security and Forced Migration*, Leiden-Boston, 2017, pp. 137-160.

these projects are organized ahead of time unlike planned relocation, often times caused by rapid onset climactic disasters. On the other hand, they share issues such as «questions of compensation, access to land, employment and livelihoods, and relations with host communities[40]».

Micheal Cernea created the Impoverishment Risk Reduction Model[41]. It, theoretically, illustrates the causes of impoverishment produced by forced resettlement. Cernea identified issues that, according to his model, would arise across the board in resettled communities. A few of these phenomena are marginalization, joblessness, and social disintegration. Integrating into new communities after having suffered a loss of property and employment may be complex. Finding employment is difficult, especially for an entire whole community. A large governmental or regional investment may be needed to make sure this is possible. This seeing as those who do find a job would, in most cases, be earning significantly less than they were prior. In most cases, a gap will be present between the time of arrival and job precarity, «joblessness […] surfaces after a time delay, rather than immediately, because in the short run re-settlers may receive employment in project-related jobs[42]».

Once re-settlers enter the realm of economic marginalization due to the problematic job market, they will inevitably become socially marginalized as well. When people, in large groups, move to new areas they tend to create a community that is detached from others. According to Cernea's model, they will remain united due to their culture as well as shared feelings of injustice, vulnerability, and victimization. Although, as stated prior, planned relocation is the last resort and DIDR has significant differences, these potential issues should be born in mind for the relocation to be as successful as possible through time. Not only so, they must be considered when analyzing planned relocation operations, as well as the rights and needs of the communities.

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[40] PETZ D., Just Relocation? «cit.» nota 39.
[41] CERNEA M., *The risks and reconstruction model for resettling displaced populations*, World Development, Vol. 25, 1997, pp. 1569-1587.
[42] CERNEA M., The risks and reconstruction model for resettling displaced populations, «cit.», nota 41.

A toolbox[43] published by the IOM and UNHCR outlines a list of factors that ought to be contemplated during planned relocation to mitigate part of the above-mentioned challenges. These include, «the existence of a well-defined and appropriate legal framework, based on human rights law, to govern the planned relocation process[44]». An analysis of the vacant areas of the COO for land acquisition purposes as well as an understanding of the need of the communities that are resettled. Consultation with the communities, and lastly a monitoring scheme as well as an accountability mechanism. These points are crucial in assessing the success or failure of the operation and should be followed for planned relocation to improve and for it to be considered a safe solution.

3.2 Relocation and Human rights

The human rights-based approach (HRBA) to planned relocation places paramount importance on the conservation of rights of displaced communities. A HRBA in the context of climate change van be divided into two realms, it is «*normatively* based on international human rights standards and *practically* directed to promoting and protecting human rights to policy and legislative responses to climate change[45]». This, to curtail the shortcomings of planned relocation. In 2009 the High Commissioner for Human Rights «called for increased state action on adaptation and has emphasized the importance of applying a human rights-based approach in guiding policies and measures of climate change mitigation and adaptation[46] ». This was reiterated in 2013 by the Secretary-general of the UN through the 'Rights up Front' Initiative.

Although most countries have signed human rights treaties over the years, maintaining all human rights in panned relocation is unlikely. The state in question is responsible for doing so and must have the necessary capacities. Daniel Petz compares a HRBA to disaster risk reduction, in the sense that, HRBAs should attempt to reduce the risks of infringing human rights. IOs have indeed produced human-rights-based guidance documents for states. These aid

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[43] IOM, UNHCR and Georgetown University, Toolbox: *Planning Relocations to Protect People from Disasters and Environmental Change*, 2017.
[44] IOM, UNHCR and Georgetown University, Toolbox, «cit.» nota 43.
[45] NASER, M., AFROZ, T., *Human rights implications of climate change induced displacement*, Bond Law Review, Vol.21, 2009, pp. 139-153.
[46] GROMILOVA M., '*Revisiting Planned Relocation as a Climate Change Adaptation Strategy: The Added Value of a Human Rights-Based Approach*', Utrecht, 2014, pp. 76-91.

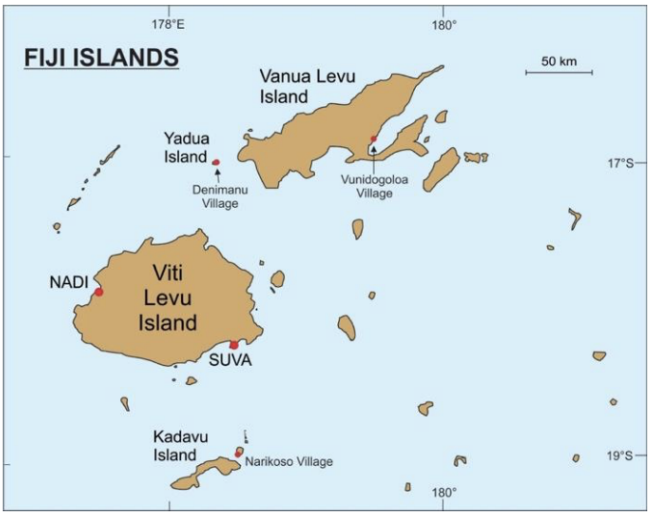
state organizations in understanding which methods preserve human rights in planned relocation. They are particularly useful because, as discussed prior, adaptation projects and planned relocation should be studied on a case-by-case basis. The following chapter will do just that. Analyzing three planned relocation projects that have taken place in Fiji.

Chapter 3

Fijian Case Studies

1. Fijian relocations

1.1 Background information



[47]

Fiji is a state composed of over 300 volcanic islands in the south pacific sea. These islands are the homes of over 890 thousand people. Although the Pacific Islands contribute to 0.006%[48] of the global carbon emissions they are one of the most affected areas globally. In fact, the Fijian islands are considered at risk when it comes to floods, earthquakes, and cyclones. Pacific Island Countries (PICs) have seen a six-millimeter rise in sea levels each year, this being twice the global mean, according to studies carried out by the Pacific Climate Change Science Program[49].

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[47] PIGOTT-MCKELLAR A.E., MCNAMARA K.E., NUNN P.D., SEKININIS S.T., *Moving People in a Changing Climate: Lessons from Two Case Studies in Fiji*, Brisbane, 2019, pp. 1-17.
[48] WILSON C., *Fiji leads Pacific Region on Climate Adaptation Efforts*, IPS, http://www.ipsnews.net/2014/05/fiji-leads-pacific-region-climate-adaptation-efforts/, Sydney, 2014, [Accessed 16th April 2022].
[49] The Brookings Institution – London School of Economics Project on Internal Displacement, *On the Front Line of Climate Change and displacement Learning from and with Pacific island countries*, https://www.brookings.edu/wp-content/uploads/2016/06/09_idp_climate_change.pdf, 2011, [Accessed 16th April 2022].

Planned relocation has been, and will increasingly be, a viable solution for Fiji, to safeguard its population from climatic disasters. It can be assumed that the overall preference of the population is to relocate within their territories. «Land is the main source of livelihoods, food, social security and ancestral identity for clans and extended families[50]». However, as the situation deteriorates this might no longer be a possibility.

In the year 2000 the World Bank (WB) published a report entitled "Cities, Seas, and Storms, Managing Change in Pacific Island Economies". The WB stated that, owing to the effects of climate change, the Fijian economy and its people would suffer greatly. With the rise of temperature, disease rates will increase as well as heavy storms as seas get hotter. As sea levels rise agriculture will deplete as farmland is damaged. Not only so, the WB predicted that «on Fiji's main island of Viti Levu, these factors are expected to contribute to economic damages of up to $52 million per year, or roughly four percent of Fiji's gross domestic product»[51].

1.2 Issues and Measures in place

PICs are not only geographically placed in an area that is prone to climatic disasters and struggles, they also have certain socio-cultural attributes that weaken them. These states are largely composed of islands PICs have a very high proportion of coastlines to land mass. Most of the population of these countries inhabits the coast, the most endangered of the two.

Additionally, PICs are also referred to as Small Island Developing States (SIDS). They possess certain predispositions such as economic instability, a history of colonialism and social norms that render them dependent on depleting resources[52]. They do not have durable infrastructures or high incomes that would aid them in withstanding such disasters. Their survival relies on agriculture and fishing, factors that are greatly affected by the rise and progressive acidification of the seas. When these factors suffer, entire communities struggle.

PICs used to have a need and a tradition of relocation, climate change has always been a reason for their "internal migration"[53]. However, the advent of colonization as well as

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[50] WILSON C., *Fiji leads Pacific Region on Climate Adaptation Efforts*, «cit.» nota 48.
[51] World Bank, *Cities, Seas, and Storms, Managing Change in Pacific Island Economies*, https://documents1.worldbank.org/curated/en/532221468288338891/pdf/274490Cities0seas0and0storms0vol04.pdf, 2000, [Accessed 13th April 2022].
[52] PIGOTT-MCKELLAR A.E., MCNAMARA K.E., NUNN P.D., SEKININIS S.T., *Moving People,* «cit.» nota 47.
[53] PIGOTT-MCKELLAR A.E., MCNAMARA K.E., NUNN P.D., SEKININIS S.T., *Moving People,* «cit.» nota 47.

globalization has caused a distinct change. The populations of PICs have formed a connection with their land, and they have set up permanent residences. Most indigenous people (iTaukei) inhabiting Fiji have their own land. This is considered family land (mataqali) and therefore renderers relocation that much more complex, since roughly 90% of Fijian land is owned conventionally by indigenous families.

The government in place recognizes the challenges they are being faced with as well as the cultures of people that inhabit endangered areas. Furthermore, Fiji was the first country to ratify the Paris Agreement. Fiji has carried out multiple relocation plans, that will be discussed later in the chapter, and has used these experiences to create the 2019 relocation guidelines[54]. As stated by Prime Minister Bainimarama «We need to arm ourselves with the ability to act now. We can't wait for communities to be drowned out by the encroaching tides. We need a holistic approach, we need adequate resources, and we need it now[55] ».

For the time being, four communities have been relocated to safer areas within the state and «80 further communities recognised by the Fijian Government as in need of future relocation»[56]. Additionally, a fund has been set in place, the Climate Relocation and Displaced Peoples Trust Fund for Communities and Infrastructure[57] in order for other states to aid Fiji in carrying out and maintaining planned relocation with Norway and New Zeeland as leading donors.

2. Case Studies

2.1 The Vunidogoloa village

The Vunidogoloa village is located in a large bay of one of the main two islands that composes Fiji, Vanu Levu Island (see map pp.15). In 2012 the village of Vunidogoloa was

[54] Ministry of Economy Republic of Fiji, Planned Relocation Guidelines*, A framework to undertake climate change related relocation*, https://cop23.com.fj/wp-content/uploads/2018/12/CC-PRG-BOOKLET-22-1.pdf, 2018, [Accessed 13th April 2022].
[55] COP 23, United National Climate Chance Conference, https://cop23.com.fj/climate-relocation-and-displaced-peoples-trust fund, Bonn, 2017.
[56] PIGOTT-MCKELLAR A.E., MCNAMARA K.E., NUNN P.D., SEKININIS S.T., *Moving People,* «cit.» nota 47.
[57] The Fijian Government, *WORLD'S FIRST –EVER RELOCATION TRUST FUND FOR PEOPLE DISPLACED BY CLIMATE CHANGE LAUNCHED BY FIJIAN PRIME MINISTER*, https://www.fiji.gov.fj/Media-Centre/News/WORLD'S-FIRST-–EVER-RELOCATION-TRUST-FUND-FOR-PEOP ,2019, [Accessed 11th May 2022].

completely relocated. This being one of the first instances of complete relocation in history. The relocation was caused by a rise in sea levels that rendered the village uninhabitable. The sea water contaminated fresh water and agricultural land. Over time it overtook all the adaptation measures set up to control the rise. As mentioned in previous chapters dams can be set up to control water rising, and in the Fijian case seawalls and mangroves were put in place to do so, however they did not suffice. The Vunidogoloa village was therefore fully relocated due to slow onset climactic changes.

The village relied, as stated prior, mainly on agriculture and fishing for subsistence selling excess produce on the market, as well as hand made goods. The community was composed of 153 individuals. The Village was relocated entirely, to a land that conventionally belonged to the same family or mataqali 2km inwards. The relocation project guaranteed means of subsistence to the villagers such as housing, «fishponds, pineapple plantations, and cattle. »[58]

Fijians have a very strong bon with their land and displacement from their village is truly their last resort. Components of the Vunidogoloa village were interviewed following the relocation and one of the members stated, «initially relocating was not an option to us at all but climate change came like an enemy that chased us away by taking our land, taking our food, taking everything»[59]. The village leader originally approached the government proposing relocation because it was a genuine necessity. Thankfully the government, along with various ministries was able to carry out this relocation successfully. It now stands as an example to all endangered villages that will be relocated in the future.

Indeed, members of the Vunidogoloa village were later interviewed by the Climate Change Division charged with initialing the afore mentioned planned relocation guidelines. They were asked their opinions on the relocation and to «identify the issues requiring further consideration and improvement to better support future processes[60]». Their testimony as well as that of a few other villages was then used as the backbone of the guidelines that are now in effect

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[58] PIGOTT-MCKELLAR A.E., MCNAMARA K.E., NUNN P.D., SEKININIS S.T., *Moving People,* «cit.» nota 47.

[59] CHARAN D., KAUR M., SINGH P., *Customary Land and Climate Change Induced Relocation-A Case Study of Vunidogoloa Village, Vanua Levu, Fiji. In Climate Change Adaptation in Pacific Countries: Fostering Resilience and Improving the Quality of Life*, Fiji, 2017, pp. 19–33.

[60] Department of Information, Ministry of Communications, *Community consultations to develop guidance on planned relocations*, https://www.globalprotectioncluster.org/wp-content/uploads/fiji.pdf, Fiji, [Accessed 1st June 2022].

and aid the Fijian government in carrying out successful relocations. The Denimanu Village, a similar case will now be discussed in detail.

2.2 The Denimanu village

Due to its geographical location Fiji is particularly prone to tropical cyclones (TCs). The steady rise in sea level that is occurring tends to renderer the effects of these cyclones only worse. In fact, cyclone induced storms that affect primarily coastal areas are what truly cause mayhem in villages like Denimanu[61].

As indicated on the map (see map pp.15) Denimanu is located on Yadua Island, off the coast of the main island Vanua Levu. The Denimanu village was partially relocated due to the consequences of cyclones on housing. In 2013 Cyclone Evan destroyed half of the houses that composed the Denimanu village and therefore their inhabitants were relocated to Korovou, an inward village simply 250 meters upslope form the original village location. Each family was granted housing with independent water supple and solar panels for energy needs.

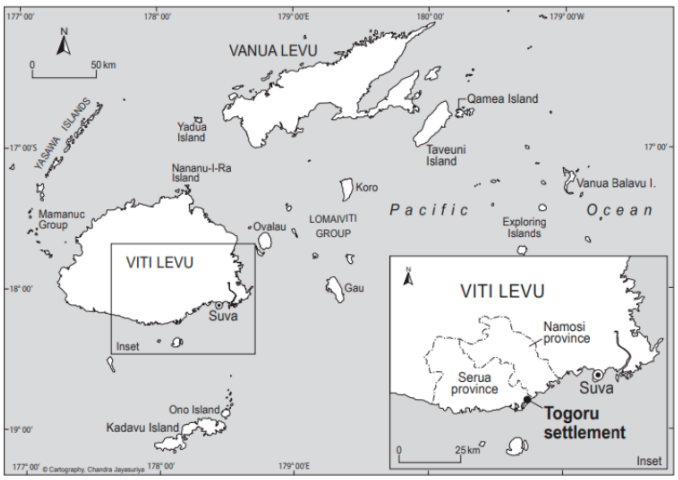
This village has a history of relocation seeing as it has been found that the Denimanu people have moved at least twice in the past to find better living conditions. The last move dates back more than 100 years. Additionally, a survey[62] was carried out in 2017 to grasp the populations perception of the issue which will be discussed shortly. At the time of the survey the coastline had further eroded and was dangerously close to the next set of houses composing the Denimanu village. A lands slide caused by abnormally heavy rain had also destroyed a primary school in 2017 causing its abandonment seeing as it was beyond repair.

A questionnaire was given to a percentage of the population of the Yadua Island people regarding climate change in Fiji and their prospects. This seeing as rises and acidification in sea levels as well as tropical cyclones are expected to increase in the future. The questionnaire presented clear answers. The population had noticed changes in their daily lives, hotter temperature, and less rainfall. Worry had spread regarding food, agriculture, and fishing. «Clear

[61] MARTIN P.C.M., NUNN P.D., LEON J., TINDALE N., *Responding to multiple climate-linked stressors in a remote island context: The example of Yadua Island, Fiji* , Vol. 21, 2018, pp.7–15
[62] MARTIN P.C.M., NUNN P.D., LEON J., TINDALE N., *Responding to multiple climate-linked stressors* «cit.» nota 61.

majorities stated they would eventually relocate their homes further inland and would consider planting mangroves»[63] to mitigate the consequences they are and will have to face.

2.3 The Togoru village



[64]

The final case study focuses on the Togoru Village situated on the main island on Viti Levu, as indicated. It may be stated that this relocation is of interest seeing as it is recent and has faced particular issues. As stated prior, in Fiji there is a particular bond between people and their land. Leaving their place of residence and ancestral land is a very complex and emotional task form most Fijians. In the past however, climatic issues have rendered planned relocation indispensable, as can be seen in the two preceding case studies. The people of Togoru, however, are resisting relocation at all costs.

Togoru has a total population of 24, most of them make a living off of fishing. Their houses are powered by solar panels and access water through tanks seeing as pipelines have not been extended to reach the village. The village is slowly being taken over by the sea «due to erosion, increasing frequency of high tides, waves reaching the doorsteps of homes, and seawater

[63] MARTIN P.C.M., NUNN P.D., LEON J., TINDALE N., *Responding to multiple climate-linked stressors* «cit.» nota 61.
[64] YEE M., PIGGOTT-MCKELLAR A.E., MCMICHAEL C., MCNAMARA K.E., *Climate Change, Voluntary Immobility, and Place-Belongingness: Insights from Togoru, Fiji*, 2022, pp. 6.

flooding the road during spring tides»[65]. Villagers have stated in interviews that they have already lost a large amount of land to the sea and this phenomenon is persisting. The presence of sea water close to homes and crop plantations has additionally limited their crop yields. The rising temperatures of the ocean have additionally reduced the number of fish present.

Communication with locals has highlighted that fact the Togoru has a history of relocation. Not long ago in the 1970s the village moved inland due to the advancing waters. Now, however, while facing the same issue the villagers have very different opinions and are resisting governmental proposals for relocation. Sine 2010 the relocation has been proposed to the villagers they however have preferred in-situ adaptation and have requested aid in building sea walls, a very costly endeavor.

2.4 Motifs of resistence

There is a very strong connection or 'place belongingness' between the people of Togoru and their ancestral land. However, the phenomenon of 'place belongingness' is widespread in Fiji. When carrying out a relocation in PICs this must be taken into consideration. Ideally the endangered villages would be relocated inland remaining within the borders of the same mataqali. This was done in the relocation of Vunidogoloa and Denimanu discussed above. These have occurred within the boundaries of their customary land allowing for the process to be smother. Nevertheless, the residents of Vunidogoloa have been returning «to the old village site to fish, farm, or visit burial grounds[66]». They seek to maintain a connection with their village even if their new home it is within the limits of the same mataqali.

It must be clarified that the Togoru village, having a very particular origin, does not have ordinary land rights. They reside on «freehold land that is not registered with the iTaukei Affairs Board[67]». Moving, for them, would be complex and require collaboration between the national government, landowners, and provinces. This will nonetheless need to be a more common mechanism as more and more small villages will need to be relocated in the future that might

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[65] YEE M., PIGGOTT-MCKELLAR A.E., MCMICHAEL C., MCNAMARA K.E., *Climate Change, Voluntary Immobility, and Place-Belongingness,* «cit.» nota 64.

[66] YEE M., PIGGOTT-MCKELLAR A.E., MCMICHAEL C., MCNAMARA K.E., *Climate Change, Voluntary Immobility, and Place-Belongingness,* «cit.» nota 64.

[67] YEE M., PIGGOTT-MCKELLAR A.E., MCMICHAEL C., MCNAMARA K.E., *Climate Change, Voluntary Immobility, and Place-Belongingness,* «cit.» nota 64.

not have the luxury of a large mataqali that allows them to move freely inland facing minor issues.

It has been previously stated the planned relocation falls in the hands of national and regional entities in most cases, and this is a clear example of why that is so. Outsiders such as IOs may provide financial aid, yet in the field, they simply do not have a firm grasp on the issues present in each territory. In the following paragraphs, a potential solution involving all levels of power will be presented creating a collaborative method to better implement planned relocation in the future.

2.5 Three necessities

The three case studies discussed have proven that three key characteristics are needed for a relocation to take place: funds, a new and safe location, and willingness of the village to relocate. These projects, even on a small scale, are considerably costly. It is not simply the initial relocation that requires funds but the maintenance as well, post-relocation support to the community must be contemplated. Furthermore, the relocation site must either belong to the same iTaukei or be agreed upon between various entities seeing as it should be a durable solution. Difficulties may arise if communities are divided during the relocation «such separations of close-knit communities make it is less likely that truly durable solutions will be found[68]». Lastly, participation is key. If willingness to relocate is present a continuous discourse between the villagers and the authorities in place is needed for the project to have longevity. As was shown in the Togoru case, without a motivated community it is difficult to organize such activities, even for only 24 people.

With regards to participation, in the Fiji cases specifically, there is a gender disparity in the decision-making process. Women are not consulted in these processes, even though they spend a substantial amount of time in the household when compared to men. In the Vunidogoloa relocation women did not participate in the decision-making process however they contributed greatly to the project. They raised funds by selling hand made goods and contributed

[68] MOORE L., *Putting principles into practice: lessons from Fiji on planned relocations*, Force Migrations review, FMR 69, 2022, pp.51-53.

with domestic labor such as providing home cooked lunches, carrying them to the work sites by foot[69]. Women's opinions should be considered given that they form integral parts of these small close-knit communities for the relocation projects to run as smoothly as possible in the long run.

By further analyzing the three necessities it is clear, that the only variable that affects countries in distinctly different manners is funding. LDC or SIDS are the most affected by climate change by far, for the time being. Without constant aid from other states or IOs, planned relocation will become costly for them, especially considering that fact that these small sates have limited land resources. In fact, Benoit Mayer assumed just that, and stated «a certain number of states will no longer be able to protect their populations from the life-endangering consequences of climate change[70]». Economic prosperity unfortunately plays a great role in the matter, and this also takes place on a smaller scale. Thus far economic disparity has only been discussed between states, however it must be indicated that differences arise within communities as well. It may seem blatantly obvious, however, it plays a distinct role in the logic of planned relocation. In most cases, when the village or town people live in is no longer habitable due to climate change people move out. They do so on their own, willingly. Families move away to better safer places, those who can do so at least. McAdam and Ferris call this an issue of justice. « Those without the necessary financial or social means will be dependent on governmental assistance to support their relocation. If that is not forthcoming, then they will be stuck[71]».

It is evident that planned relocation has made great strides in the past years. Relocations have taken place successfully as illustrated above in many regions of the world, however there are evident difficulties that remain. Difficulties that are new and or unexpected to many. As stated in the previous chapters the Fiji Clearing House for Risk Transfer[72] is and has been in place since 2015. It is a repository for information gathered by experts as well as case studies. It allows for the exchange of experiences for mistakes to be learnt from globally. It may be stated

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69 BERTANA A., BLANTON N., *The Scream No One Heard: Gender Equality, Relocation, and Environmental Decision-Making in Fiji*, Utah, 2019, pp. 1-7.
70 MAYER B., *The International Legal Challenges of Climateinduced Migration:Proposal for an International Legal Framework,* Hong Kong, 2011, pp.1-45.
71 MCADAM J., FERRIS E., *"Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues"*, «cit.» nota 28.
72 MCADAM J., FERRIS E., *"Planned Relocations in the Context of Climate Change: Unpacking the Legal and Conceptual Issues"*, «cit.» nota 28.

however that greater changes need to take place in the field of planned relocation for its development to continue steadily as the need for it increases.

2.6 Potential Plans for Improvement

It is agreed upon be many scholars that and International Legal Framework is needed in the field of climate induced migration. This seeing the pace at which planned relocation situations arise. Given the complexity of the current situation the framework would have to include all actors involved in the process to allow for a smooth cooperation. Benoit Mayer proposes a specific plan of action.

After examining various modes of action, from the creation of new treaties to the use of soft law Mayer reached a conclusion. The most effective solution would arise form a collaboration between regional entities and the UN. The legal framework should be composed of different "parts" that operate at different levels. First, «states should be individually concerned and cooperative so that they respect their obligations and collaborate in finding collective resettlement solutions[73]». Then a set of common international standards would be put in place to clarify precisely which fundamental rights relate to planned relocations. The standards must also clarify the concept of burden sharing which «should be shared between developed, polluting states and least developed or developing, affected states[74]».

Finally, conventions would then be created and negotiated on specific issues between states, at a regional level. These then have a real possibility of being ratified by many. An attribute an international treaty on the topic would not have, unfortunately.

This would, in theory, close the current gaps present in the legal personality of planned relocation. Leaving conventions at a regional level could be an ingenious solution, allowing the authorities closest to the affected communities to bargain on their behalf. This would ideally eliminate obstacles that arise when generalizing planned relocations on a global scale. As seen in the Fiji case, communities have needs and traditions that are not common to other cultures.

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[73] MAYER B., *The International Legal Challenges of Climateinduced Migration: Proposal for an International Legal Framework,* «cit.» nota 69.

[74] MAYER B., *The International Legal Challenges of Climateinduced Migration: Proposal for an International Legal Framework,* «cit.» nota 69.

Specifically, a deeply rooted connection with their ancestral land[75], that some even refused to leave behind. These cultural differences are present in every country or region and cannot be accounted for on an international scale. Ideally «negotiations at the regional level should also deal with concrete climate-induced migratory needs on a case-by-case basis[76]». It must however be reiterated that no matter what structures are in place the states carry the main burden with regards to the planned relocations of their citizens.

On the other hand, maintaining specific agreements in the hands of regional entities ensures security. If an international agency for planned relocation were created or hypothetically a treaty with strict guidelines on procedures and burden bearing, it is not likely that many large, developed polluting states would sign and ratify said agreement. Maintaining it local and working on a case-by-case basis raises the possibilities of finding concrete solutions that respect the communities and allow for the burden to be distributed. This collaborative system could be the key to unraveling the dilemma that is planned relocation.

[75] GHARBAOUI D., BLOCHER J., *The Reason Land Matters: Relocation as Adaptation to Climate Change in Fiji Islands*, Canterbury, 2016, pp. 1-20.
[76] MAYER B., *The International Legal Challenges of Climateinduced Migration: Proposal for an International Legal Framework,* «cit.» nota 69.

Conclusion

This dissertation has analyzed the motifs for and the complexities of climate change adaptation in international law. The first chapter explored the existing legal agreements on the topic. All the UN treaties pertaining to adaptation were listed and studied to better grasp the current international situation. Most of these treaties were focused on climate change mitigation however adaptation slowly began to gain considerable amounts of international attention as time went on. These leaps were seen clearly with the Bali Action Plan and the Paris Agreement. The latter stipulated the global aim for adaptation, «adaptation enhancing adaptive capacity, strengthening resilience, and reducing vulnerability to climate change in the context of the temperature goal[77] ».

The focus was then shifted precisely to planned relocation, a practice included in climate change adaptation. This last resort mechanism has gained attention due to the growing necessity of relocation due to climate change. Planned relocation occurs when communities or villages are relocated to new areas within or outside the COO seeing as their initial residence is no longer habitable. These communities are not considered refugees nor IDPs. They are commonly referred to as climate migrants however it is not clear whether this definition is fully legally accurate.

Other than legal issues, difficulties may arise in planned relocation that must be accounted for. Thanks to the work carried out by Micheal Cernea a comparison can be made between planned relocation and DIDR. These endeavors may cause the individuals of these communities to suffer in various ways. Whether that be joblessness or social marginalization. Once they have been fully relocated a constant supervision must be put in place by the government or regional entities to prevent the communities form isolating themselves and leading a life of precarity. However, this requires copious amounts of investment.

Nevertheless, thy must not only be protected from economic and social hardships. The second chapter additionally discussed the importance of the respect of human rights during planned relocation. Indeed in 2009 the High Commissioner for Human Rights «called for

[77] Paris Agreement to the United Nations Framework Convention on Climate Change, «cit.» nota 14.

increased state action on adaptation and emphasized the importance of applying a human rights-based approach in guiding policies and measures of climate change mitigation and adaptation[78]».

The final chapter shed light on the practical implication of planned relocation through an analysis of three relocations that have taken place in Fiji. Relocations of three villages (Vunidogoloa, Denimanu and Togoru) were analyzed. The first two relocation took place successfully within their mataqali thanks to the participation and input of the villagers themselves. The Togoru village however refused to relocate, they wanted to remain on their ancestral land and proposed methods of in situ adaptation to conform to the already drastic effects of global warming they were facing.

It is useful to study past relocations especially seeing as this practice is still in an embryonal stage. Through the Fijian relocations academics were able to discern the fact that specific community traditions and beliefs need to be taken into consideration. It is not only a matter of funds and available land. The villages must be willing to relocate, and their participation and opinions are crucial to the success of the operation in the long run.

It may be stated that the current international 'system' in place is insufficient and does not account for many variables. In fact, this paper touched on a solution proposed by Benoit Mayer. He devised a collaborative mechanism between international organizations, states, and regional entities. « The proposed resolution would recognize climate migrants' fundamental rights but could also create an agency in charge of facilitating and supervising bilateral or regional ad hoc negotiations on the resettlement of the most affected populations[79]». Unfortunately, this proposed solution is far from being achieved and many years may pass before something of the sorts to actuated in the international playing field.

Planned relocation remains a last resort to the growing problematic that is climate change. As stated prior, it is in an elementary stage, however it is highly probable that it will become a commonly used solution as well as other forms of adaptation so long as global warming continues its steady course of action.

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[78] GROMILOVA M., '*Revisiting Planned Relocation as a Climate Change Adaptation Strategy: The Added Value of a Human Rights-Based Approach*', Utrecht, 2014, pp. 76-91.

[79] MAYER B., *The International Legal Challenges of Climateinduced Migration:Proposal for an International Legal Framework,* «cit.» nota 69.

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Riassunto in italiano

I cambiamenti climatici dovuti al riscaldamento globale sono fenomeni sempre più comuni. Questi possono essere di tipo latente, ossia che si sviluppano nel corso di molti anni, o di tipo rapido ed improvviso. Vari trattati ed accordi internazionali sono stati stipulati per prevenire il peggioramento dei cambiamenti climatici. Al contempo però, le conseguenze di questi cambiamenti sono già evidenti in molte zone del pianeta. Per poterle affrontare una nuova branca del diritto internazionale si è sviluppata, la 'climate change adaptation'.

Il primo capitolo riassume i trattati internazionali sui cambiamenti climatici e lo sviluppo di

Il secondo capitolo è incentrato sulla cosiddetta *planned relocation*, un esempio di pratica di adattamento ai cambiamenti climatici. Si tratta di una pratica secondo la quale una comunità viene trasferita in un altro luogo poiché il loro villaggio di residenza non è più abitabile. Le persone di queste comunità non sono considerate rifugiati o sfollati interni poiché non rientrano in nessuna di queste categorie e il loro status è continuamente dibattuto.

L'ultimo capitolo analizza e paragona tre casi di studio di planned relocation avvenuti nelle Fiji nei villaggi di Vunidogoloa, Denimanu e Togoru. Le prime due delocalizzazioni sono avvenute con successo all'interno dei loro mataqali (terre di famiglia) grazie alla partecipazione e al contributo degli stessi abitanti del villaggi, mentre la comunità di Togoru si è opposta.

È fondamentale effettuare questo tipo di analisi sulle delocalizzazioni passate poiché questa pratica è ancora in fase di perfezionamento. Grazie a ciò, gli esperti sono riusciti a comprendere l'importanza di coinvolgere le comunità e prendere in considerazioni le loro tradizioni e necessità. Infatti le delocalizzazioni pianificate non sono solo una questione di fondi e terreni disponibili, bisogna tutelare le comunità coinvolte e renderle partecipi. In tal senso, il sistema interazione appare carente. Per ovviare a queste carenze, la dottrina ha ideato una soluzione al fine di instaurare un meccanismo di collaborazione tra organizzazioni internazionali, stati ed entità locali per raggiungere la soluzione migliore spostando queste comunità rispettando le loro tradizioni e i diritti umani. Attualmente questa soluzione è ben lontana dall'essere implementata in quanto il problema dei migranti climatici riguarda delle comunità remote e poco popolose. In futuro questo potrebbe cambiare in quanto si stima che nel 2050 i migranti climatici

saranno circa 216 milioni[80]. Per questo è importante che la branca dei diritto relativa al climate change adaption si sviluppi rapidamente.

[80] The World Bank, *Climate Change Could Force 216 Million People to Migrate Within Their Own Countries by 2050*, «cit.» nota 21.