

SAFEGUARDING FUTURES: HUMAN RIGHTS AND PLANNED RELOCATION IN THE PACIFIC ISLANDS

by

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Abstract

The effects of climate change, from extreme weather conditions to rising sea levels, are acutely felt across the globe, with small island nations in the Pacific Ocean being particularly vulnerable. These conditions disproportionately affect economically vulnerable communities, prompting discussions on adaptation measures ranging from domestic legal frameworks to international conventions. In some cases, mass migration and relocation emerge as the only viable long-term options. In light of this reality, this thesis will examine the Fijian Climate Change Act, the Fijian Planned Relocation Guidelines, and the Solomon Islands Planned Relocation Guidelines for their alignment with human rights standards in a relocation scenario. By reviewing past relocations and assessing lessons learned, the historical context will be cross-referenced with current frameworks to evaluate the relocation strategies.

Keywords: ESCR, Human Rights, Climate Change, Rising Sea Levels, Climate induced displacement, Pacific Islands, Environmental migration, Planned Resettlement, Solomon Islands, Fiji, Gilbert Island

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List of abbreviations

GEIC	Administration of the Gilbert and Ellice Islands Colony
BSIP	British Solomon Islands Protectorate
ESCR	Economic, Social and Cultural Rights
CPR	Civil and Political Rights
CVA	Climate Vulnerability Assessment
NDC	Nationally Determined Contributions
PRG	Planned Relocation Guidelines
CRR	Climate and Risk Resilience Committee
MLHS	Ministry of lands, housing and survey (Solomon Islands)
SOPs	Standard Operating Procedures

Introduction

The global mean sea level rise during the 21st century will most probably surpass the rate documented between 1971 and 2010. Amongst other things this indicates that the global sea level rise is likely to increase from 0.52 to 0.98 meters between the year 2081 and 2100.¹ For the especially vulnerable Islands in the Pacific this means that inhabitants may be forced out of their homes by rising sea levels in as little as 50 years due to conditions such as coastal erosion, saltwater inundation, and contamination of ground water. Forced displacement has already occurred on some of the Islands due to climate conditions. In 2015, Tropical cyclone Pam devastated Vanuatu resulting in infrastructure damages estimated at around half a billion US Dollars. The cyclone affected many communities and displaced thousands of people in the country. Similarly in 2016, cyclone Winston severely affected Fiji uprooting houses and altering villages across Fiji displacing many of the inhabitants.² In 2012, the Tukuraki people in Fiji were relocated due to Cyclone Evan which led to severe flooding of the river banks where they resided.³ As of today, scientists warn that these incidences will likely become more frequent and aggressive in the region with estimates of 665,000 to 1.7 million people facing forced displacement by 2050.⁴

Legal reforms, safety measures and potential frameworks are being discussed and applied on a local and global stage. A vast array of possible solution and prolonging measures are being suggested, amongst others, the mass rehoming of the Islands mostly indigenous populations. This paper will focus on examining the frameworks that suggest the removal and relocation of the communities affect to evaluate the alignment of this inevitable process with the economic, social and cultural rights of the population in question. The Fijian Climate Change Act 2021

¹ Tammy Tabe, „Climate Change Migration and Displacement: Learning from Past Relocations in the Pacific“, *Social Sciences* 8, Nr. 7 (Juli 2019): 218, <https://doi.org/10.3390/socsci8070218>.

² Tabe.

³ Tabe.

⁴ Isaac McNeill u. a., „A lack of legal frameworks for internally displaced persons impacted by climate change and natural disasters: Analysis of regulatory challenges in Bangladesh, India and the Pacific Islands“ 6 (1. Januar 2022), <https://doi.org/10.25330/2508>.

specifies the need and intention for relocation in Section 71, Article 1. The Act defines climate displacement as “the displacement of people as a result of the direct or indirect impacts of climate change, including sudden and slow-onset climatic events and processes occurring either alone or in combination with other economic, social and political factors”⁵, highlighting the connection between climate displacement and ESC rights. Vanuatu’s National Policy on Climate Change and Disaster-Induced Displacement is another domestic legal tool addressing relocation or rather displacement due to climate in a variety of dimensions. It recognized so called “Sudden-onset disasters” like cyclones or Tsunamis, as well as, “Slow-onset disasters including erosion, falling volcanic ash, environmental degradation, sea level rise and drought [...] which is motivating some communities to consider relocation as an adaptation option”⁶ Both instruments are designed to facilitate an organized, planned and safe relocation whether temporary or permanent with references to social, economic and social rights before, during and after the relocation.

Legal frameworks are also available on an international stage including considerations on the human rights of the populations. Particularly in the last few years we can witness a lot of movement in this field universally. In 2022 the UN General Assembly Adopted Resolution A/RES/76/300 recognizing the right to a clean, healthy and sustainable environment as a human right for all, marking a large step in environmental justice with 155 countries establishing legal recognition of the Right.⁷ While the primary focus of most of the instruments remains in climate mitigation, there are significant mentions of relocation as an adaptation strategy and the rights associated. The idea started broadly and non-binding in the 1992 United Nations Framework Convention on Climate Change (UNFCCC). The convention sets the focus clearly on reducing greenhouse emissions, however, lacked specific scientific requirements at the time. Since then, obligations have become more defined and generally met with agreement from the international community, the Paris Agreement is one testament to the international community’s commitment to climate justice. The UN Special Rapporteur, John Knox, states in his *Report on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment* to the general Assembly the likelihood of further human rights violations after displacement, stressing the importance and interconnectivity of human rights and the violations thereof. In his recommendations to the General Assembly, he includes the absolute necessity for a designated treaty, but more importantly in this context, he strongly recommends an optional protocol to the International Convention on Economic, Social and Cultural Rights.⁸

Since actions and steps taken in this region might influence and inform the actions in other regions, many questions are raised on the status, development and prosperity of the populations affected. Human rights are a developing living concept that continuously need adjusting to the ever-changing human condition. Thus, it holds significance to examine the correct execution of obligations towards climate change victims as they become increasingly more relevant. This thesis will conclude the lessons learned from past relocation experiences and assess to which extent new frameworks on relocation align with international human

⁵ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“, zugegriffen 7. Januar 2024, <https://www.laws.gov.fj/Acts/DisplayAct/3290#>.

⁶ „National Policy on Climate Change and Disaster Induced Displacement 2018“, o. J.

⁷ UN General Assembly (76th Sess.: 2021-2022), „The Human Right to a Clean, Healthy and Sustainable Environment :: Resolution /: Adopted by the General Assembly“, 1. August 2022, <https://digitallibrary.un.org/record/3983329>.

⁸ „Report of the Special Rapporteur on a clean environment_2019.pdf“, zugegriffen 24. Januar 2024, https://ceulearning.ceu.edu/pluginfile.php/636443/mod_resource/content/0/Report%20of%20the%20Special%20Rapporteur%20on%20a%20clean%20environment_2019.pdf.

rights standards and practices. The particular rights in question include but are not limited to the right to self-determination (Article 1, ICESCR); the right to work (Article 6, ICESCR); the right to an adequate standard of living (Article 11, ICESCR); The right to the highest attainable standard of physical and mental health (Article 12, ICESCR) and the right to participate in cultural life (Article 15, ICESCR).

Literature Review

The literature on this topic is wide-spanning and interdisciplinary. On the legal front there are calls for framework adjustments and constitutional developments. The authors of *A lack of legal frameworks for internally displaced persons impacted by climate change and natural disasters: Analysis of regulatory challenges in Bangladesh, India and the Pacific Islands* write an extensive critique of legal frameworks including that of the Pacific, however, with a focus on internally displaced persons.⁹ Their work is important in understanding the lacking and possible adjustments necessary in the legal frameworks to accurately support and safeguard those affected, however, does not give specific insights into cross cultural/geographic relocation. Their work will provide a guideline for what to look for on a local level, and how to accurately defines in legal frameworks. The piece also focuses on constitutional and domestic frameworks and considers international obligations through global cooperation and recent developments on the UN level like the IOMs Regional Framework on Climate Mobility which was introduced in November of 2023.

Social anthropologist Tammy Tabe provides an excellent analysis of the effects of mass relocation, arguing that it will lead to displacement, she does so with a focus on the Pacific islands through the historical lense, particularly the mass resettlement during the colonial era. She draws comparisons to the current climate change effects and how we can learn from the past. From the connection to the land to, cultural values, resistance and the psychological effects she makes excellent observations on the possible effects on a sociological, anthropological and historical level.¹⁰ While her article *Climate Change Migration and Displacement: Learning from Past Relocations in the Pacific* covers many important aspects of forced migration, it has no mention of human rights instruments, legal frameworks or international obligations in the post relocation scenario. It is purely a guide by which to best understand the history and concerns of the Pacific islander under these specific conditions from a native perspective.

Economic, social and cultural rights are linked in a multitude of sources to climate change and the violations connected to it. They address the individual rights like the right to housing with a call for climate adaptation through legal paths.¹¹ Climate litigation and its importance and interconnectivity to ESCR seems to be the general focus of research in this field, as written by Siri Gloppen and Catalina Vallejo, however, it does not focus on individual regions like the Pacific Islands and their unique situation. According to the research and the literature review a gap analysis is a viable option for this paper as there has been no combination of the elements mentioned in an already published academic paper.

⁹ McNeill u. a., „A lack of legal frameworks for internally displaced persons impacted by climate change and natural disasters“.

¹⁰ Tabe, „Climate Change Migration and Displacement“.

¹¹ Siri Gloppen und Catalina Vallejo, „The Climate Crisis: Litigation and Economic, Social and Cultural Rights“, in *Research Handbook on Economic, Social and Cultural Rights as Human Rights*, hg. von Jackie Dugard u. a. (Edward Elgar Publishing, 2020), <https://doi.org/10.4337/9781788974172.00028>.

Methodology

Through the thorough analysis of publications, legal documents, historical evidence and other sources the specific frameworks will be identified. Consequently, the primary objective will be to examine the available relocation strategies for securing and preserving the human rights of Pacific Islanders in the face of forced relocation due to rising sea levels.

The literature review of legal frameworks, policies, and acts has the objective to understand and summarize the solutions proposed by the governing bodies for the location process of Pacific islanders. The geographical restriction will allow this paper to be a case study, focusing on only one region instead of all of the regions affected by rising sea levels and climate change in general. Identifying the appropriate frameworks within the scope of the research; Review and analyse the content of the findings; and in the final portion of the paper state the challenges and possible reforms to best adhere to human rights standards in regard to economic, social and cultural rights will be the course of action for this project. Review human rights instruments and treaties, specifically the International Covenant on Economic, Social and Cultural rights in relation to the Pacific islands as well as the Paris Agreement in relation to the consultation processes. There will be comprehensive interdisciplinary academic research on past relocations from various Islands as well as current academic assessment of climate induced or forced relocation. Moreover, evaluating the human rights in question based on the academic literature and drawing a comparison to climate induced displacement experiences in the region. Highlighting the common ground and drafting insights on safeguarding the rights to the highest standard of the human rights systems based on expert assessments.

When considering the limitations of this paper, several elements need to be factored in, including but not limited to linguistic limitation. Although most of the literature available is written in English, some of the native languages in the Pacific islands include Tahitian, Samoan, Tongan, Māori and Hawaiian. When evaluating the concerns and thoughts of the peoples affected, it may be helpful to source direct information through the social media, news reports, interviews, blogs etc. this may not fully be possible if not written in English.

Generalizability could also be a limitation faced. While in the historical context a forced displacement has occurred on the Pacific islands, and human rights certainly were violated through the colonial influence, tying the concerns to the current forced displacement will pose a slight challenge. The focus has to be on the continuous problems that apply in a positivist perspective, meaning particular human rights issues that were relevant then and now regardless of the regime.

Naturally the geographical limitation will bound the scope of the research as well, possibly excluding important insights or lessons learned from other regions affected by the same threats and under the same frameworks even. Moreover, this paper is limited in the fact that mass climate induced displacement has only occurred in a limited manner yet on a large scale in this particular constellation, and that the case of the Pacific islanders will set president in many aspects especially when it comes to establishing new states without land.

Chapter 1: The Historic context of mass migration in the Pacific

While climate induced mass migration will be a new challenge for people in the twenty first century, comparable phenomena have occurred historically due to different reasons. Particularly in the region of the Pacific island nations there has been a rich history of movement and migration.¹² Although this has been for a range of reasons, like volcanic eruptions or tsunamis, one of the most common and well documented reasons is the islands' colonial history.¹³ In order to better understand the possible implications of climate related mass migration on the economic, social and cultural rights of Pacific islands in the upcoming decades, it is of essence to analyse the past relocations and draw lessons learned from them. In comparing the aim is to draw conclusions about the most important factors to be considered in the relocation process and to analyse their success and failures in supporting the resettled population. Particularly in regard to the right to work, access to water and sanitation and the right to property and self-determination it's important to understand what the long-term effects are on the populations that have already undergone resettlement.

In the vast history of movement in the Pacific region one example presents itself as fitting, that is the Gilbertese resettlement from Gilbert to Phoenix Islands, and later on to the Solomon Islands. There are many aspects to be considered when drawing a qualitative comparison between two sets of events, some of these aspects include similarity of cause or circumstance that has caused the mass migration, similarity in culture and background of the effected, and finally the time span must be within reasonable distance. In order to be able to draw conclusions that are likely or even possible to occur in the future, the parameters of the comparison must be set and appropriate time period and event must be located.

1.1 The Phoenix Islands Resettlement Scheme

In the early 20th century, the population of Gilbert Islands (Kiribati today), comprised of low-lying coral isles, faced a number of economic, social and environmental problems under the colonial regime. The main issue cited during the time is over population and land-resource scarcity for the inhabitants. Birthrates were high, causing a rapid increase in population on the small islands. This was paired with limited fertile lands to grow food, small freshwater reserves and consequently limited economic opportunity for locals to make a living.¹⁴ Much of what was documented of the first resettlement is written from a colonial perspective.

1.1.1 Cause

The issues arising on the island were not predominantly of natural causes, as Henry Maude documents in his extensive research on traditional society, colonial administration, and socio-economic in the Pacific islands as a colonial district officer. As a scholar and first-hand witness to the history and anthropology of the Pacific Islands during the resettlements he documented the process of relocation through his eyes in his book *The Colonization of the Phoenix Islands* in the 1930s. Maude states that the causes for the unexpected overpopulation that sparked after the optimal population size was reached in 1840 is the colonial interference. The inhabitants had been relying on infanticide, warfare, compulsory emigration and abortion

¹² H. E. Maude, „The Colonization of the Phoenix Islands“, *The Journal of the Polynesian Society* 61, Nr. 1/2 (1952): 62–89.

¹³ Georgina Numbasa und Gina Koczberski, „Migration, Informal Urban Settlements and Non-market Land Transactions: a case study of Wewak, East Sepik Province, Papua New Guinea“, in *Migration, Land and Livelihoods* (Routledge, 2014).

¹⁴ Glynn Cochrane, „The Administration of Wagina Resettlement Scheme“, *Human Organization* 29, Nr. 2 (21. Oktober 2008): 123–32, <https://doi.org/10.17730/humo.29.2.q07m95236n7q28h4>.

to prevent their natural reproduction outrunning their food resources. Most of these practices were outlawed by the colonial regime in light of Christian values, additionally the medical department reduced the infant mortality rates causing a spike in the number of children and young people on the islands. As opposed to other regions, the contact with European colonizers had little to no effect on the indigenous population, therefore maintaining their numbers. As a result of the growth in population, land disputes surged in relatively little time with an estimated 76,000 pending land cases amongst a population of under 27,000, causing restlessness, hunger and tension in the region.¹⁵ Because the islands were colonial territory, the indigenous people were also unable to consume all of the food they had grown, as it was the only form of income they could generate to pay taxes to the colonial powers. These factors combined with an increasing higher standard of living caused the islands to support even less people than before.¹⁶ Because the colonial power had effective control of the region, and because the natives turned to the colonizer to solve the problems perceived to be caused by them, initiative was taken to find a solution. The conclusion was reached relatively quickly and so the Phoenix Islands Resettlement Scheme was launched in the early 1930s to elevate the population pressure.¹⁷

1.1.2 Why the Phoenix Islands?

Starting in 1931, a comprehensive search for a new territory began. In this search, Maude perceives that unlike high islands like Fiji and Tonga (volcanic islands with mountain landscapes), the Gilbertese people are “one of the most specialized races on earth”. The speciality in this context is living on quasi unfertile sand banks growing only coconuts, screw pines, and coarse caladium termed “babai”, as well as being excellent fishermen, the “native diet” was therefore able to sustain the islands.¹⁸ Due to this special skill set, the colonizer took notice of what was thought to be “... a pity to settle them on fertile volcanic islands when they would far rather live on the barren sand banks they were accustomed to”.¹⁹ The first reason for the choice was therefore based on a colonial attempt to match the new habitat to the already familiar one. There were efforts put into finding similar conditions and climates for the Gilbertese people to adjust as quickly as possible, the population was not consulted on this decision. Naturally, in today’s world the right to self-determination as adopted by the United Nations charter in 1945 and reaffirmed in the ICESCR and the ICCPR would prohibit such decisions being made on behalf of a population. The selection process would occur only in agreement with the effected population and their government and with their consent.²⁰ The choice would therefore fall on a region that is beneficial and productive only from the perspective of the people that will live in it as far as other conditions are met.

The second reason for the choice was the colonial expansion and development aspirations of the British empire. The colonial rule sought to take up more space the Pacific region and had previously identified possible islands to colonize. The solution to the overpopulation problem on the Gilbert islands aligned perfectly with these already existent ambitions, moving a native people along with the new colony made sense as the move would require plenty of labour.

¹⁵ Maude, „The Colonization of the Phoenix Islands“.

¹⁶ Maude.

¹⁷ Cochrane, „The Administration of Wagina Resettlement Scheme“.

¹⁸ Maude, „The Colonization of the Phoenix Islands“.

¹⁹ Maude.

²⁰ United Nations, „United Nations Charter (Full Text)“, United Nations (United Nations), accessed 29. März 2024, <https://www.un.org/en/about-us/un-charter/full-text>.

The third and final reason was that many of the islands in the region had already been owned or leased by European enterprise or were claimed and taken by the United States, leaving only a limited number of habitable islands to be colonized.²¹ Once the decision was studied and later solidified the High Commissioner for the Western Pacific (sir Arthur Richards) started appointing pioneering expeditions to the chosen Phoenix Islands to investigate the possible size of a new colony, amongst the first settlers from Gilbert Island was Maude himself.²² The Phoenix islands consist of eight islands in total, grouped into three distinct categories. The more fertile islands of Sydney, Hull, and Gardner located in the south; The smaller satellite islets of Phoenix, Birnie, and McKean, situated at the centre, and the dry islands of Canton and Enderbury in the north. All islands are composed of coral and are low and flat. Sydney, Hull and Gardner were identified to be suitable for permanent settlement.



1937, Karaka – the first village built on Gardner Island

1.1.3 Outcome

Under the Phoenix Island Resettlement Scheme priority was given to people from a region with high poverty rates. Although many did not want to leave their ancestral home, incentives like adequate land and better life prospects were persuasive.²³ The move happened gradually between 1939 and 1941 with families being encouraged through various enticements. In 1941 the tolls of World War II had reached the region. Mining infrastructure and coconut production was hit heavily, the only operations left were the phosphate and copra industries which were the spine of the Colony's economy. The Administration of the Gilbert and Ellice Islands Colony (GEIC) quickly realized that the costs of the resettlement would be a great financial burden and would not be feasible in light of the war. In 1941 the scheme was suspended and later declared a failure.²⁴ The Phoenix islands were a poor choice from the beginning. Accounts of long periods of drought were cited as the primary reason for the launch of second wave of resettlement to the Solomon Islands (see below). However, according to witness accounts of the Gilbertese people on Phoenix islands, particularly of those who did not want to leave because of the sentimental value of the island such as graves of their loved ones and homes that were built, there were hidden agendas. Multiple interviews with people revealed that there was nuclear testing of weapons in the close by Christmas islands, some of the older people recall *'the crowns of the coconut trees fell after that thing [bomb] fell on Christmas Island. Yes, it was their doing'*²⁵ The witness goes on to describe *"They lied to us that our land is dead . . . we saw that the coconut trees were on fire because of that thing [bomb] that fell, it's like fire . . . so when the crown of the coconut trees fell, the place became dead"*. There is very limited accessible information on this matter, the little that is there confirms that in the years between 1957 and 1959 on Christmas Island there was

²¹ Maude.

²² Maude.

²³ Tabe, „Climate Change Migration and Displacement“.

²⁴ Tabe „Climate Change Migration and Displacement“.

²⁵ Tabe „Climate Change Migration and Displacement“.

indeed testing of several hydrogen bombs by Britain.²⁶ The Phoenix Island Resettlement scheme despite the extensive expeditions, pioneering missions and gradual migration was a complete failure. The choice of Island was poor due to the long periods of droughts and relatively unfertile soil; the effects of unforeseen economic and political disasters in Europe had direct effect on the sustainability of the island, and credible testimony suggestions there was risk of radiation and disease from nearby weapon test sites.

1.2 The Solomon Island Resettlement Scheme

The second mission was organized as a kind of humanitarian assistance to allow for self-sufficient economic growth in the future due to the long periods of drought on the new islands.²⁷ Evacuation of the Phoenix Island was ordered by the administration of GEIC. The initial intent was to resettle to other British colonies however this was unsuccessful forcing the administration to turn to the British Solomon Islands Protectorate (BSIP) who had forwarded a proposal of the Lever's Brothers Company for more labourers on the Solomon Islands. Both administrations felt like relocating the Gilbertese people to the Solomon Islands would solve their respective problem. The GEIC would be relieved of the population and cost pressure of relocating the Gilbertese and the BSIP would obtain more labourers for the Lever Brother's copra plantations and therefore contribute to the Protectorate's economy.²⁸ Because people had only been living on the phoenix islands for 30 years, it was also perceived to be tolerable to move the population. The first wave was named the Titiana Resettlement scheme and was conducted between 1955 and 1958.²⁹

As opposed to the first resettlement scheme, in this one the elders did not necessarily want to be relocated, the decision was made by the authorities in the region and again did not include any kind of democratic process. There were two meetings held in Nikumaroro and Orona for the locals to see the new home, but that is all it was, seeing the place. Not only were the locals not included in the decision, but they had not been informed of the challenges ahead including the excessive amount of labour awaiting them on the Solomon Islands. The Wagina resettlement scheme was conducted a between 1963 and 1964 as an emergency measure, allowing for very little preparation for the expected 1000 settlers in contrast to the phoenix resettlement scheme. A particular aspect that was neglected, though interesting for analysis, was moving the ethnically diverse groups from atoll coral islands to high islands with limestone coastline, different climate, and environment. One of the men that had been part of the initial settlement on the Solomon Islands tasked with clearing the village and land plots said *'the trees were too big and we did not know how to cut them down with knives and axes given to us because we have never conducted such heavy labor on the atolls where we came from'*³⁰

²⁶ „Migration, a possible adaptation strategy?“, IDDRI, zugegriffen 30. März 2024, <https://www.iddri.org/fr/publications-et-evenements/propositions/migration-possible-adaptation-strategy>.

²⁷ Tabe, „Climate Change Migration and Displacement“.

²⁸ Cochrane, „The Administration of Wagina Resettlement Scheme“.

²⁹ Eberhard Weber, „Only a Pawn in Their Games? Environmental (?) Migration in Kiribati – Past, Present and Future“, *DIE ERDE – Journal of the Geographical Society of Berlin* 147, Nr. 2 (30. Juni 2016): 153–64, <https://doi.org/10.12854/erde-147-11>.

³⁰ Tabe, „Climate Change Migration and Displacement“.

1.3 The lessons learned

The reasons for choosing the first group of islands consisted of a combination of access to the land, national interest of the colonizer, and similarity in habitat for the indigenous population. The first factor is mandatory for many new migration projects in light of the emerging migration. In fact, the very first thing that needs to be established in the process is where the possible new lands under current circumstances could be obtained, this certainly will be more challenging today than it was for the colonial British empire in the 20th century. The second factor, although quite missed in this instance, is the national interest of the affected populations. Opportunities for sustainable development and prosperity must be examined and determined, without this the new migration projects may face a second forced displacement as the Gilbertese people did. The last factor of similar habitats or “related” ethnicities was meant to allow the indigenous peoples to continue their way of life, maintain their diet, and allowing them to continue to live with as smooth transition as possible. Based on the outcomes of the resettlement and the original resource scarcity that triggered this process to begin with, I do not find it efficient or realistic to impose this restriction on choice of relocation. However, should the conditions be given, and the peoples of the islands choose to migrate to similar environments with full access to information on potential future impacts, it is within the right to self-determination to do so.

One final factor to consider when looking at the first scheme in a comparative manner to today’s climate resettlement is the actual size of populations. The following table illustrates the estimated numbers around the Phoenix Island resettlement scheme. In today’s world it is apparent that the numbers will be much larger and resources, housing, healthcare and other vital services will have to be provided or built accordingly.

Table 1 Estimates for the Phoenix Island Resettlement Scheme, compiled from Maude (1937a, 1940); Knudson (1965, 1977); present population: GoK (2010a)

	Estimation Maude for initial settlement	Estimation Maude for total settlement	Estimation locals for initial settlement	Estimation locals for total settlement	Final number of resettled people	Present population
Hull	350	1100	500-700	1300-2000	530	0
Sydney	400	900	600-700	1400-2200	300	0
Gardner	n.a.	1100	n.a.	1500-1600	97	0
Canton	n.a.	1200	n.a.	3000	0	31
total	750	4300	1100-1400	7200-8800	927	31

The first resettlement assumed that conditions and environments must be similar to those in the ancestral home, the second wave entirely neglected this aspect. Both paths therefore posed challenges, the first that the scarcity of water and food which constituted the original reasons for leaving continued on the second island. The second scenario did not allow for the Gilbertese to continue to practice their livelihoods in a manner they were taught. In today’s world labour and work can have many shapes and forms. While it is safe to assume that many of the indigenous people have contemporary employment, it is of essence to consider this aspect in any future climate related relocation process. Firstly, a detailed analysis of livelihoods must be made to assure that the population doesn’t have a predominant profession that depends on specific environmental conditions (like fishing for example). Should it be the

case that certain trends arise it will be of utmost importance to consider these in the choice of location. Appropriate preparations must be made to assure that this profession can in fact continue to be observed as undisturbed as possible. Not doing so would constitute a possible violation of the Right to work (Article 6, ICESCR), The right to just and favourable conditions of work (Article 7, ICESCR), and the right to an adequate standard of living protected under Article 11 of the ICESCR. According to the UNHCR report on planned relocation disasters and climate change poor planning will directly result in the displacement impoverishment of the relocated community.³¹ The relocation to the Solomon islands was one where due to suboptimal preparations not enough homes had been built leading to overcrowded residential areas and lack of privacy. This naturally led to poor living conditions constituting a violation of Article 11(1) right to adequate housing, the right to privacy (Article 11, ICESCR) and possibly depending on the severity of the facilities a violation of right to health protected under Article 12 of the ICESCR.³² Therefore, adequate and size appropriate housing for the relocation process must already be made available and tested before the arrival. Facilities must be of an acceptable standard and can accommodate the number of people expected.

Land property disputes on the Solomon Islands still persist today and Gilbertese people in Wagina are yet to be fully acknowledges as the owners of the land. The trade suggested by the GEIC was that for the lands on the phoenix islands the Gilbertese would receive equal property in the new settlement. Unfortunately, the trade was not fair and the lands appointed to the Gilbertese were suboptimal and had to be supplemented or complimented with beaches for coconut production which the Gilbertese had to pay for.³³ Legally, rights to new lands especially after relocating entire populations must be assured beyond doubt. A failure to so would constitute a violation of the right to property as documented in the UDHR. More importantly it would also support a case for the violation of Article 6, 11 and 15 of the ICESCR. The last factor to take into consideration is that of cultural identity. The Gilbertese people on the Solomon Islands consider themselves I-Kiribati in ethnicity and Gilbertese by citizenship. However, the perception of the I-Kiribati people from Kiribati implies that they are of the Solomon Islands. The indigenous Solomon Islands still recognize the Gilbertese as such. Reconstructing a cultural identity in a new location will certainly become a challenge for any peoples facing forced or voluntary relocation. Historically this process or relocation has been tainted with the zeitgeist of colonialism, war, imperialist interests and xenophobia however the above-mentioned points will still hold relevant today in a similar legal system, in human nature when it comes to adaptability and work, and in cultural and structural norms.

Chapter 2: The Regional Frameworks: Fiji

The Pacific Island states are amongst the most vulnerable to climate change and resulting extreme weather conditions. Many of these islands face imminent threats to their population's

³¹ „Final Report Planned Relocation, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future, 2014“, UNHCR, accessed 30. März 2024, <https://www.unhcr.org/media/final-report-planned-relocation-disasters-and-climate-change-consolidating-good-practices-and->

³² „International Covenant on Economic, Social and Cultural Rights“, OHCHR, accessed 25. Februar 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

³³ Tabe, „Climate Change Migration and Displacement“.

safety and health. Fiji for example, is estimated to lose 14% of its coastal land by the year 2050 due to rising sea levels.³⁴ The 2017 Climate Vulnerability Assessment (CVA) also predicts that over 6.5 per cent of Fiji's GDP could be lost by 2050, due to tropical cyclones and floods, with the number of people facing poverty increasing by 25 per cent every year.³⁵ Furthermore, estimates predict more frequency in, rainfalls, cyclones and prolonged wet seasons leading to shortened dry seasons and coastal erosion.³⁶ Scientists, diplomats and politicians have been aware of these figures and have composed several regional and national frameworks to combat, prevent or prolonged the symptoms of climate change. In recent years, Pacific Island Countries (PICs) have started to recognise human mobility as part of the adaptation measures to protect communities in response to environmental change and disasters.³⁷ Drawing from global best practices, local insights, and the unique challenges facing Fiji's diverse landscapes and communities the Fijian Climate Change Act 2021 and the Planned Relocation Guidelines (PRG) emerge as a crucial piece of legislation designed to navigating the complex challenges posed by climate change. This chapter will focus on these pieces of Fiji's legislative and policy frameworks to understand how Fiji integrates human rights considerations, specifically economic social and cultural rights, into its climate resilience strategies.

2.1 The Fijian Climate Change Act 2021

The Objectives outlined in the Act cover a wide-ranging outline addressing the diverse set of challenges posed by climate change. Moreover, it seeks to establish institutional and governance structures for effective implementation, integrate climate change considerations into government and private sector decision-making processes, and mainstream resilience-building objectives across all sectors. These objectives include establishing clear and long-term measures and policies to safeguard Fiji's future, its people, ecosystems, and biodiversity in the face of the climate emergency.³⁸ The Act aims to ensure the state meets its international commitments under conventions like the Paris Agreement and obligations under the UNFCCC. There's a large emphasis in the objectives on safeguarding Fiji's national security and sovereignty, which of course is highly relevant when addressing loss of land or territory due to sea level rise. Most importantly in this context, it emphasizes the importance of enhancing adaptive capacity, safeguarding at-risk communities, and integrating oceans into climate-related policies and measures.³⁹

The principles of the Act additionally highlight Fiji's commitment to respecting human rights and the freedoms embedded in its constitution, while also acknowledging the climate emergency and the urgent need for a rapid transition to a net-zero emissions global economy. The Act makes clear that Intergenerational equity must be protect by ensuring environmentally sustainable development and investing in precautionary mechanisms to mitigate climate change effects. In reference to human rights, the Fijian climate change act recognizes the impact on livelihood and work of the population and actively advocates for a

³⁴ „Pacific Climate Change Science“, zugegriffen 10. Mai 2024, <https://www.pacificclimatechangescience.org/>.

³⁵ „Republic of Fiji's Updated NDC 20201.pdf“, zugegriffen 10. Mai 2024, <https://unfccc.int/sites/default/files/NDC/2022-06/Republic%20of%20Fiji%27s%20Updated%20NDC%2020201.pdf>.

³⁶ „Pacific Climate Change Science“.

³⁷ „Planned-Relocation-Guidelines_Fiji.pdf“, zugegriffen 11. Mai 2024, https://fijiclimatchangeportal.gov.fj/wp-content/uploads/2022/01/Planned-Relocation-Guidelines_Fiji.pdf.

³⁸ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

³⁹ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

fair and suitable transition for the its people. Similarly, social inclusion, indigenous rights and gender equity mentioned as important factors to be considered.⁴⁰ Under section 4 (n) of the act it specifically states the objective to “provide for the relocation of at-risk communities and safeguard their rights).⁴¹ The formulation of the text indicates the indivisibility of protecting human rights and safeguarding mechanisms in relocation scenarios.

The second part of the Act commences with the declaration of a climate emergency where, amongst other things, in section 3(b) it states that “has already forced and will continue to force communities to relocate to higher ground”; Acknowledging the immediate and unquestionable need for detailed contingency planning in light of forced displacement. Similarly in part 3 of the Fijian Climate Change Act 2021 addresses the implementation of the Paris Agreement, with a focus on climate displacement and planned relocation. While emphasizing Fiji's obligations under the Paris Agreement, the Act acknowledges the need to “convene other ministries to support national efforts to mainstream [...] climate displacement and planned relocation into development planning and decision-making policy”⁴² However, there is no precise mention of actions, responsibilities or any concrete steps to be taken; making this section on governance general and unspecific, saying no more that would be implied on involvement in a disaster or relocation situation.

The Act does mandate the minister, in consultation with all relevant stakeholders, to “take all reasonable steps” to prepare and communicate successive Nationally Determined Contributions (NDCs).⁴³ The NDCs are a component of the Paris Agreement that outline climate actions and targets for each participating country. While Fiji’s NDCs still predominantly focus on climate mitigation, there is mention of its obligation to “take appropriate steps” in protection of specifically its social infrastructure against climate change and prioritise “gender, disability, and the needs of the children and elderly in disaster management and in climate action”. Moreover, the NDC takes note that six climate vulnerable communities have already been completely or partially relocated due to saltwater intrusion and loss of habitable land, and that Fiji in light of these events has composed planned relocation guidelines based on best practices.⁴⁴

2.2 Planned Relocation Guidelines: Fiji

the Fijian Government launched Fiji’s Planned Relocation Guidelines (PRG) in 2018 at COP24. Planned relocation in the guidelines is defined as a state involving solution-oriented measures to permanently resettle a community. Actively excluded in the definition is the resettlement of distinct households/individuals as well as acts of emergency evacuation. The framework prominently stresses the preservation of guaranteed rights in the event of relocations. More specifically, it ensures that resettled individuals within the community continue to enjoy civil, political, social, economic, and cultural rights as enshrined in the relevant covenants ratified by Fiji.⁴⁵ Notably, the stated rights explicitly include women’s and persons with disabilities rights as part of the guarantee.

⁴⁰ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁴¹ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁴² „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁴³ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁴⁴ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁴⁵ „Planned-Relocation-Guidelines_Fiji.pdf“.

While the guidelines assure that mass relocation will only occur once all other adaptation measures have been exhausted, it does also openly recognize the reality that many traditional places of living will become uninhabitable due to preexisting factors like poor infrastructure, pollution, overcrowding, and unemployment.⁴⁶ The three main pillars of the relocation process are vaguely framed as “1. decision”, “2. Planning” and “3. Implementation”. Once more however, under the pillar implementation the alignment with human rights standards is the first point to be mentioned. The prioritization of human rights is further strengthened by the principles of the relocation process that are built around a safe, sustainable future. The Human- Centred approach takes note of Fijis past relocation experiences and recognized the importance of access to adequate resources, disputes over land, dislocation of communities and social, gender, and cultural tensions post-relocation.⁴⁷ The livelihood-based approach focuses on the need for a profile analysis of the communities and households, especially the rural ones. It recognizes that planned relocation must be more than a response to climate change, rather it should be viewed as livelihood adaptation strategy to benefit and develop communities without negative effects or losses in the long run.⁴⁸ The human rights-based approach offers a valuable insight into the alignment strategy of Fiji specifically after the adaptation of the Paris Agreement in 2015. It draws a direct connection between mobility and rights specifically in the climate change context. The emphasis is supported by the principles of the ICCPR, the ICESCR and the Paris Agreement to which the state is party to. The involvement of vulnerable communities, explicitly women, the elderly, and persons with disabilities in the relocation decision making and planning process is strongly manifested.⁴⁹ Most importantly this approach in accordance with the Paris agreement draws attention to the necessity of the participation and consultation process in general, which is a central part in relocation from a human rights perspective. Access to information or “the transparency framework” established in Article 13 of the Paris Agreement offers action and support and builds upon a collective experience that considers differences in capacities.⁵⁰ The purpose of it is to provide clarity to stakeholders and relevant parties in relation to possible displacement scenario (Article 8) as well as to offer financial support for those affected (Article 14).⁵¹ This human rights-based approach seems to heavily rely on the preexisting obligations of the Fijian state under the treaties and conventions it has already ratified. This idea is not concealed in the framework, rather emphasized in a demonstration of full trust in the global human rights instruments. The document prominently states:

“When implementing planned relocation process in Fiji, addressing human rights aspects is unavoidable and important in all three stages of movement, as the relocated people carry their rights at all times, and implicitly the Fijian Government’s obligation to protect”⁵²

In an effort to minimize potential humanitarian crisis the pre-emptive approach is taken into consideration. With a focus on adaptive measures and decreasing potential risk at the new

⁴⁶ „Planned-Relocation-Guidelines_Fiji.pdf“.

⁴⁷ „Planned-Relocation-Guidelines_Fiji.pdf“.

⁴⁸ „Planned-Relocation-Guidelines_Fiji.pdf“.

⁴⁹ „Planned-Relocation-Guidelines_Fiji.pdf“.

⁵⁰ „paris_agreement_english_.pdf“, zugegriffen 1. Juni 2024,

https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/paris_agreement_english_.pdf?gad_source=1&gclid=CjwKCAjwjeuyBhBuEiwAJ3vuoYD5cDQVBhg3D3oQ8T_gWyxgrxvY4t3UisjeMMasjOnNYLIKO7p3phoC2nlQAvD_BwE.

⁵¹ „paris_agreement_english_.pdf“.

⁵² „Planned-Relocation-Guidelines_Fiji.pdf“.

location country specific solutions are efficiently created in response to different environmental scenarios.⁵³ This is complimented by the last approach which is regional. This approach actively and consciously focuses on minimizing discrimination, xenophobia, and violent prejudice by the native population against the new relocated group through comprehensive integration policies and promotion of inter-state collaboration. The aim is to bring policies in accordance with existing regional norms thereby strengthening social integration including social values, beliefs, functions and responsibilities as well as assuring the inclusion into structures of civil society. Moreover, the reduction of possible conflict and the need for continued support for the relocated group is at the front of this approach. As witnessed from the experience of the Gilbertese people on the Solomon Islands a failure to plan comprehensive cultural integration schemes will ultimately result in long term discrimination and ethnic tensions between the natives and the new comers. This framework places a lot of importance on long term sustainability and resilience on all levels including but not limited to social, economic, and cultural element which are defining to people's quality of life and dignity moving forward.

The guidelines make it clear, as it should be, that the stages of planned mass relocation can only commence as a means of last resort in the face of climate change or related disasters that directly results in the loss of liveable land. Disaster risk reduction and adaptation measures as well as migration-based approaches must initially be considered first.⁵⁴ Naturally, the process requires clear, efficient and transparent collaboration between states, non-state actors and the affected community. As noted in the interdisciplinary approaches an inclusion of economic, social, and cultural factors is non-negotiable. The Fijian Planned Relocation Guidelines are composed of three stages, the pre-planned relocation; In-plan relocation; and post-planned relocation. The stages reflect the principles on which the guide was established. The pre-planning stage focuses on an inclusive process with adequate time, transparency and accountability for all parties, as well as, comprehensive environmental assessments and alternative analysis. The In-Plan stage is centred around flexibility, continuous communication, and the active protection of vulnerable groups. A critical eye is kept on human rights and dignity in this stage especially in reference to the logistical details. Trust and reliance on state partners and host-nations are placed in assistance with a humanitarian transition. The vocal point of the post-relocation stage is monitoring, evaluation and improvement of living standards through development of policy and financial or educational schemes. Capacity building and training to diversify livelihoods as well as mobility-based adaption measures will be facilitated by the home state and partners.

2.3 Conclusion

Undoubtedly this framework takes into account many elements of global human rights instruments with a strong focus on economic, social and cultural rights before and after the relocation. While these forms of frameworks are essential in protecting human rights in this context, the risk of overlooking unique context-specific needs through the implementation of standardized procedures is present.⁵⁵ Current literature suggests that navigating the complexity

⁵³ „Planned-Relocation-Guidelines_Fiji.pdf“.

⁵⁴ „CLIMATE CHANGE ACT 2021 - Laws of Fiji“.

⁵⁵ Daniel Lund, „Navigating slow-onset risks through foresight and flexibility in Fiji: emerging recommendations for the planned relocation of climate-vulnerable communities“, *Current Opinion in Environmental Sustainability*, Slow Onset Events related to Climate Change, 50 (1. Juni 2021): 12–20, <https://doi.org/10.1016/j.cosust.2020.12.004>.

of community participation, agency, multiple stakeholder dynamics, and land disputes will require the development of a highly responsive operation procedures in addition to the PRG.⁵⁶ The heavy reliance on multi-stakeholder collaboration, although necessary, may come with bureaucratic delays and conflicts of interest which will require a highly skilled level of mediation and communication for extended periods of time. Innovative decision support systems like scenario-based exercises can be valuable in building consensus and informing communities on risks. These exercises also fit well into preexisting adaptive management theories that prioritise flexibility, foresight and quick responsiveness.⁵⁷ According to the interdisciplinary research the success of such schemes is heavily influenced by a shared future perception, individual preferences and collective agency rather than purely scientific or environmental factors.⁵⁸ Furthermore, The Framework is complimented by other pieces of legislation like the 2021 Fijian climate change act, however, on its own it does not offer enough guidance on the complexity of such a process. the detail grade of the framework is relatively general and does not, for example, designate specific responsibilities to named bodies or representatives. Despite the structured manner in which it is set, the state might face difficulties in practical implementation. The real-world implementation also risks that the focus on assimilation and resilience although commendable, may risk the erosion of community identity and cohesion. Studies suggest that already present community characteristics are significant to adaptability capacity and willingness to relocate therefore, factors such as livelihood assets, autonomy, and remoteness are important to take into consideration.⁵⁹

Chapter 3: The Regional Frameworks: Solomon Islands

Scientific predictions indicate that by the year 2100 the sea levels will rise by 1 meter on the Solomon Islands. This rise will threaten coastal communities with increased saltwater intrusion into freshwater supplies as well as costal erosion.⁶⁰ Further forecasts predict changes in rainfall patterns which will cause severe flooding leading to damages in agriculture and infrastructure. Increased frequency in tropical cyclones and storms will directly lead to risks in economic activities and tourism, similarly, rising temperatures are likely to cause food insecurity and increased health risks.⁶¹ In response to these predictions the government of the Solomon Islands in cooperation with multiple state and non-state actors has worked extensively on frameworks to combat the symptoms of climate change and further adaptation and resilience measures. This chapter will assess the extent to which the 2022 Solomon Island planned relocation guidelines correspond with the state's obligations under international human rights instruments specifically the ICESCR and the Paris Agreement. It will pay special attention to the protection for marginalized and vulnerable groups rights and interests, examining how well the guidelines align themselves with the standards and principles within the international frameworks. Specifically, this chapter seeks to provide insights into whether

⁵⁶ „Adaptation, Flexibility and Project Decision-Making with Climate Change Uncertainties“, zugegriffen 3. Juni 2024, <https://www.tandfonline.com/doi/epdf/10.1080/14615517.2012.731189?src=getfr>.

⁵⁷ Lund, „Navigating slow-onset risks through foresight and flexibility in Fiji“.

⁵⁸ Lund.

⁵⁹ Lund.

⁶⁰ „World Bank Climate Change Knowledge Portal“, zugegriffen 4. Juni 2024, <https://climateknowledgeportal.worldbank.org/>.

⁶¹ „World Bank Climate Change Knowledge Portal“.

the guidelines uphold the consultative approaches and basic economic, social and cultural norms as mandated by international agreements.

3.1 Solomon Island Planned Relocation Guidelines (2022)

The Solomon Island planned relocation guidelines are a framework for the planned, voluntary, and coordinated relocation of risk-prone communities to safer sustainable locations.⁶² Their principles are built on community engagement and consultation to assure the inclusivity of the process. In respect to the rights and interests of the affected communities, the process is designed in accordance with the Paris Agreement, in particular its participatory and consultative principles under Articles 6, 7 and 12. Similarly to the Fijian relocation guidelines, they are promoting a multi-sectoral approach involving various stakeholders such as international organizations, government bodies, and local communities.⁶³ The aim of this framework is to mitigate the negative impacts of relocation through the establishment of social safeguards as well as standard operating procedures which both give priority to vulnerable groups (Women, Children, the elderly, people with disabilities). A high emphasis is placed on flexibility in order to allow for quick adaptation to diverse contexts within the Solomon Islands. The principles are based on indigenous knowledge and governance practices. Per definition planned relocation is differentiated from evacuation in this context. It involves the pre-coordinated and voluntary movement of a self-identified group facilitated by the government.⁶⁴ This occurs in a scenario in which protection from natural hazards, disasters and environmental changes such as climate change is necessary. In the specific context of the Solomon Islands this means internal relocation within the territory from coastal to inland areas as well as between islands and provinces.

3.1.1 Principles and approaches

The overarching principles highlight once more the essence of the approaches set for this framework. They state first a *“people-centred, inclusive and participatory approach”* indicating full intent to ensure active information and involvement of the affected community members with special attention given to women, children, persons with disabilities and the elderly. In this manner the intent is to openly acknowledge the effects and impacts on livelihood, physical and mental well-being, culture, and social cohesion. The *“developmental and livelihood-based approach”* declares that planned relocation must be developmental and based on livelihood adaptability without negatively affecting the host communities. “Migration as adaptation” is a phrase used in this context which suggests that the minimum is restoration of livelihood, the ideal is improving pre-location standards.⁶⁵ This requires extensive analysis of communities, households and even individuals. The third approach is described as *“An approach that ensures realistic time frames and adequate consultation”* as the name suggests this approach focuses on realistic time-spans for the inclusion and consultation process as well as reasonable time-frames for the decision making and implementation. Consensus building is at the centre of this approach with a fair part attributed to unexpected issues that may arise before, during and after relocation.⁶⁶ Culture, customs and

⁶² „Solomon Islands Planned Relocation Guidelines.pdf“, zugegriffen 4. Juni 2024, <https://roasiapacific.iom.int/sites/g/files/tmzbd1671/files/documents/2023-03/Solomon%20Islands%20Planned%20Relocation%20Guidelines.pdf>.

⁶³ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁶⁴ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁶⁵ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁶⁶ „Solomon Islands Planned Relocation Guidelines.pdf“.

community tradition is also protected with its own approach that seeks to recognize, affirm and protect these place-based knowledges.⁶⁷ One of the most challenging aspects of mass relocation is maintaining the cultural dimensions belonging to a people this includes knowledge from all aspects of life like ecology, agriculture, sea, water, language, rituals and arts which are central to cultural identifies. Designing an approach to safeguard these vital parts financially and psychologically will help mitigate and cope with the relocation. The last two approaches focus on multi-sectoral collaboration in avoidance of duplication or waste of resources, as well as, flexibility and adaptability which are essential in dealing with unforeseen circumstances.

The third section of the relocation guidelines highlights the so called cross-cutting issues which are the core subjects that will need to be addressed in the relocation process.⁶⁸ While the Solomon islanders witness the environmental changes that will eventually render their area uninhabitable first hand, awareness of the scientific prognoses and connectivity to state and non-state educators lack in the region. As it has occurred in previous relocation experiences in the region older generations may resist the change as a result of lack of information and education causing intergenerational tensions and leading to the youth carrying the burden. The *education, information, consultation and participation* section in the relocation guidelines aims to implement adaptive and informative measures to avoid this likely risk early on in the process. These measures include comprehensive risk management; vulnerability assessment; prioritization and inclusion of exposed communities in the adaptation procedure; and clear milestone planning. The vulnerability assessment itself will be centred around key demographic, socioeconomic and cultural elements of the community in question.⁶⁹ Amongst other aspects the need is made clear for an evaluation of the internal social, cultural and political, and economic cohesion in relation to commonality with the host community specifically those in close proximity. What is unique about these particular guidelines is that they mention religious organisations and structures as well, for example, within the assessment framework there is a call for consideration of church-based authority for all the effected communities. Access to religious ritual and support is beneficial for any displaced community as a form of psychological and spiritual care in the new location. Moreover, the assessment takes into account the safeguarding of indigenous artefacts and heritage-based knowledge in an effort to maintain the indigenous culture past the loss of the land. Assessment of existing schools, health centres, subsistence livelihoods and water sources must also occur before the planning process for a new settlement can commence. The assessment calls for the collection of all relevant data before, during and after the relocation process, specifically demanding the need for the acquisition of data that may not already exist in order to make informed and analytical decisions. The guidelines note that they also build on pre-existing structures, mainly the Solomon Islands Integrated Vulnerability and Adaption Assessment. Communication is of the highest importance in this process which is why guidelines dictate that all appropriate and accessible communication channels to the community must be available to receive and return information. Schedules including times and meeting points must be made known and communicated in the planning phases.⁷⁰ Like the Fijian relocation guidelines the Solomon Island guidelines also dictate the urgent need for the

⁶⁷ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁶⁸ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁶⁹ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷⁰ „Solomon Islands Planned Relocation Guidelines.pdf“.

development of standard operating procedures on how the consultation process will occur step by step. These procedures are vital for any form relocation as indicated by the country specific procedures (Nationally Determined Contributions) in the Paris agreement most notably in the assurance of inclusion of vulnerable groups (women, people with disabilities and the elderly).⁷¹

The planned relocation guidelines acknowledge that people living in close proximity to each other do not necessarily fall within the same social, cultural and religious norms.⁷² This realisation is important when structuring relocation plans and manually building new community networks. Relocation on mass needs the assessments and consultation processes in order to plan scenario based which includes the consideration of groups without a collective identity specifically in regards to those who wish to be distinguished from certain communities. The framework therefore recognizes that a successful relocation is most likely when similarities between the host community and the relocated communities occur in relation to social, linguistic, cultural, religious, political and livelihood characteristics.⁷³ This does not only increase the probability of a smoother adaptation but also serves to minimize potential conflicts in the new settlement. Moreover, the promotion of gender equality and general social inclusion in accordance with the states obligations and guarantees under the national gender equality policy; the national policy to eliminate violence against women as well as the Solomon Islands national youth policy must be maintained and safeguarded more intensely in a relocation scenario. The guidelines make it clear than within this process the aim is to build resilience and adapt social programmes to thrive and not to diminish in the face of uncertainty. The guidelines explicitly mandate the inclusion of women, youth, people with disabilities, the elderly and other marginalized groups in the consultation process on all levels. The quota set for inclusivity approach this is a minimum of 30% women and at least one youth representative.⁷⁴ The development of appropriate standard operating procedures (SOPs) are of essence in assuring the effective inclusion in decision making and operations of these groups.

The constitution of the Solomon Islands specified in 1978 that perpetual interest in land may only be held by Solomon islanders or those allowed by the parliament.⁷⁵ Most land on the island is held in accordance with customary use, which may change in the relocation process. Only as a last resort will the national government resort to compulsory acquisition of land. As we have learned from the experience of the Gilbertese people on the Solomon Islands a badly managed relocation will result in long term land disputes and tensions in a region, therefore an extensive consultation process with all affected is a prerequisite for avoiding the mistakes of the past and assuring a harmonious living together. The framework addresses this as one of the most challenging aspects of the relocation procedure and mandates the ministry of lands, housing and survey (MLHS) to develop a comprehensive plan within the standard operating procedure to assure three key elements. The first is inclusion of women as signatories of land agreements; secondly, mandating equal legal ownership of land; and lastly, the reservation of seats on boards of community companies for marginalized communities and women. The last

⁷¹ United Nations, „The Paris Agreement“, United Nations (United Nations), zugegriffen 10. Juni 2024, <https://www.un.org/en/climatechange/paris-agreement>.

⁷² „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷³ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷⁴ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷⁵ „Solomon Islands Planned Relocation Guidelines.pdf“.

key issue addressed is the financing and technical support. It is understood that mass relocation is extremely expensive and that national budgets for climate change adaptation, development, planning and disaster risk reduction alone will likely not be sufficient for implementing all of the procedures. Therefore, a reliance on international donor assistance as well as labour, cash, and materials from the affected communities is going to be necessary.⁷⁶ Considering that the principles of these guidelines prioritize the relocation of the most vulnerable and needy, it is to be questioned whether a reliance on their resources is wise or even possible. However, international assistance for climate vulnerable community is recognized within global frameworks as part of the shared responsibility principle and is therefore to be made use of when the consequences of global activities arrive.

3.1.2 Structures and responsibilities

The guidelines specify institutional arrangements for planned relocation in the fourth section. They announce the establishment of the national climate and risk resilience committee (N-CRR) which oversees the provincial bodies (P-CRRs). Their core responsibilities are the coordination of activities of agencies for disaster and climate risk; cross-sectorial policy development; management of resilience development and disaster programs.⁷⁷ Establishing and mandating bodies to oversee and manage the regional activity, specifically these guidelines, is an important step in accountability and responsibility building on the governmental level. Other guidelines that do not include these firm specifications on who exactly is accountable may face difficulties implementing and monitoring their plans efficiently. As the impacts of planned relocation will be felt predominantly on the community level, the next range of responsibility is placed on those communities themselves. Mainly, they are called upon to identify and report hazards as well as monitor the implementation of the initiatives particularly in relation to livelihood practices and land use. They are a crucial part of the oversight, adaptation, and flexible response procedures as they are the only ones living the implementation daily. Their participation will be initiated by the responsible parties (the P-CRRs) which will establish ward disaster risk committees and village disaster risk committees from those communities.⁷⁸ The participation is based on villagers' willingness to take on the role and attached responsibility as well as accommodate local leadership models. This includes facilitating NGO and church-based connections as well. While the ward committees are tasked with providing access to planning and budgeting expertise to the village bodies, the village committees are tasked with planning for climate risk reduction with consideration of vulnerable and marginalized groups and the implementation of worked-out initiatives. The overseeing bodies (N-CRR) will support and facilitate when necessary but it is made clear that the process will be lead by the relocating community on a local level. A bottom-up approach like this is rather unique in the region and promises to allocate resources and efforts efficiently tailored to the real needs of the community from the community. Rather than receiving assumed analytical solutions the community is woven into the process and encouraged to proactively address and remedy problems with assistance and funding by the government. Furthermore, the local bodies are supported by frameworks to facilitate effective cooperation like the Solomon Islands National Peacebuilding Policy (NPP); and the Solomon Islands Government and Solomon Islands Ecclesiastical Institutions Strategic Partnership

⁷⁶ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷⁷ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁷⁸ „Solomon Islands Planned Relocation Guidelines.pdf“.

Framework.⁷⁹ External support is explicitly encouraged too. Inter-governmental organisations, NGO, development partners, academic experts, and the private sector are urged to strengthen the capacity of these bodies in a relocation process through financing and technical support. Dispute resolution mechanisms related to the relocation are set in place and responsibility is assigned. Should the dispute be between two relocated persons the first instance is the ward or village DR committees with support from the P-CRR, however, should the dispute be between the local responsible entities and a person from the community then a complain is to be filed to the Ombudsperson. Legal structures will still be in place should the matter require a court decision.⁸⁰ These mechanisms are implemented in anticipation of disputes which are a normal part of such complex interactive process.

The development of the full relocation plan will be led by the N-CRR in cooperation and consultation with all of the subordinate bodies and with input from diverse stakeholders like disability and youth groups, experts, NGO's and churches.⁸¹ Moreover, the plan will be worked out in collaboration with the relevant ministries like health, education, land and property ...etc. The conditions that must be met for an effective plan include clear structures phases, budgets and timelines for the relocation. Shelter, infrastructure, livelihood and services must be established at the new site.⁸² The plan must identify restrictions to participation access as well as measures to close the participation gap specifically in regards to vulnerable and marginalized groups. Flexibility and adaptability to changing needs are a requirement. A new location must be identified with the local community, and mechanisms to mitigate the challenges expected included. Lastly, the plan must present monitoring and evaluation tools along with an accessible complaint process.

3.1.3 Implementation

The phases of the implementation are broken into three distinct parts: Prior to relocation, during the relocation and following the relocation. Each phase is characterized by sets of instructions and regulations to guide the process.⁸³ Prior to relocation the first clear step is to make the decision to relocate after excluding all other viable options. Conducting the assessments, establishing communication channels, and engaging all the stakeholders are the necessary steps for making an informed decision to move. The decision can be initiated by the affected community themselves or the government when high risk levels are concluded.

⁸⁴ Once the decision is made, the detailed plan will be worked out according to the structure previously discussed, central to this plan are the economic, social and environmental impact assessments within the standard operating procedures (SOPs). Potential sites must be identified and baseline data collected with a strong preference for alienated or uninhibited sites. Naturally, site planning, land investigations, and basic infrastructure setup must occur as soon as possible once the safe region has been named. Without consensus building amongst the stakeholders, it will very difficult to foster community cohesion, therefore this consideration must always be present as is defined in the principles. The data assessments and consultation structures will be the backbones of the pre-relocation process and will be used to drive all decision making. In consideration of national, provincial, international, and

⁷⁹ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸⁰ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸¹ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸² „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸³ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸⁴ „Solomon Islands Planned Relocation Guidelines.pdf“.

community funding preliminary budgeting must be set and potential debt on all levels must be calculated.⁸⁵ A preference for collective landholding is made clear to minimize long term security risks, regardless, awareness raising and access to information must proceed any land agreements. Lastly, the POCs must assure the rights and needs of the people that will maintain the connection to the original site, allowing them periodic access.

During the relocation process the focal points are centred around developing the community lives and standards in the new location. A phased movement, infrastructure development, establishment of livelihoods, increasing living standards; and lastly integrating the new community into the pre-existing social and economic life are the foundations on which this phase is built.⁸⁶ Most likely the first wave will consist of young people to increase the likeliness of being ready to sustaining a dignified standard of living through labour. To establish necessary amenities with the available resource continuous communication with the community is a must. Human rights standards must be monitored closely for vulnerable groups especially. The mechanisms implemented in the planning phase must be sustained and adapted if necessary. The government will ensure access to basic needs like food, water, housing, healthcare, and education. Clear logistical details and regular feedback mechanisms will be maintained by the appointed committees (CRRs) to ensure accountability and transparency in the process. Modifications and adjustments can be requested by the community directly as well in light of the flexibility and human rights principles embedded in the framework. Psychological assistance will be provided for the community in general in addition to specialized care for gender-based violence, post-sexual assault, reproductive health, and chronic illnesses.

Finally, the last stage is the post-relocation process which revolves around monitoring and development. Extensive data collection and response assessments will not only be used to facilitate future relocations but also to accurately invest resources where the community needs them.⁸⁷ Social, cultural and environmental monitoring will be proactively exercised by the War and Village committees with assistance from the P-CRR. When the evaluations confirm necessity policy changes in accordance with human rights standards and cultural norms will occur. Continuous climate adaptation planning including livelihood diversification and financial support will be present in the long term within this stage. Facilitating the ability to return home, when possible, will also lay in the responsibility of the dedicated committees in this stage.

3.2 Conclusion

The Solomon Islands relocation guidelines are quite detailed and intricate in structure. Scholars have suggested that previous relocations within the Solomon Islands territory was rather less successful as a result of the complex planning at least in the short term.⁸⁸ Other underlying issues like limited land tenures, lacking financial support, and missing frameworks have also been cited as reasons these relocations were difficult to

⁸⁵ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸⁶ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸⁷ „Solomon Islands Planned Relocation Guidelines.pdf“.

⁸⁸ Simon Albert u. a., „Heading for the Hills: Climate-Driven Community Relocations in the Solomon Islands and Alaska Provide Insight for a 1.5 °C Future“, *Regional Environmental Change* 18, Nr. 8 (1. Dezember 2018): 2261–72, <https://doi.org/10.1007/s10113-017-1256-8>.

implement.⁸⁹ However, the effort is clear in the guidelines to prioritise and expand on the assessment tools like the Solomon Islands Integrated Vulnerability and Adaption Assessment in order to raise assurances that the relocations are feasible. While the 2022 guidelines have partly tried to address the criticisms of lacking human rights protection within their principles and approaches sections, the real-life issues of financial and special scarcity may pose a continuous problem. The people, livelihood, and participation central approaches as close as they may sound to international human rights norms, do not include explicit mention of the obligations under the appropriate international covenants (ICESCR and ICCPR). The only international framework openly considered within the principles and implementation phases is the Paris Agreement. Especially when compared to the Fijian planned relocation guidelines which centre around human rights, there is a lot of room for aligning the Solomon Islands guidelines to their obligations under the ICESCR. A perhaps inevitable side effect of the relocations in the past has been the creation of small fractured and separate communities across the country.⁹⁰ As the guidelines suggest the prevention of conflict and tension between relocated and host communities is a primary concern in the process, yet it is to be considered whether this approach may further separate and create isolated satellite communities. General criticism has also included governmentally steered selection process as opposed community based in the past.⁹¹ What the guidelines highlight is at least an intent to prevent this from happening in the future. The communities are empowered to trigger, steer, and monitor the relocation with support from the government at least on a theoretical sphere. Whether community engagement can be incentivised and the informative mechanisms truly accessible through the dedicated communication channels remains yet to be seen.

Conclusion

This thesis set out to explore to which extend historical lessons learned and international human rights standards are aligned with new frameworks developed for the purpose of planned relocation within the Pacific islands' region. Special attention has been drawn to the presence of principles and obligations attached to the ICESCR and the consideration of vulnerable groups interests. The examination of the historic cases (The Phoenix and Solomon Islands resettlement schemes) has been essential in understanding the causes as well as the short and long-term effects of unsuccessful relocation. Due to lack of planning, external inter-state actors, and the exclusion of the affected community from the decision-making process the Gilbertese people remain until this day in an unfavourable position. This has shown that within the dialogue around planned relocation, it is imperative to recognize that the ultimate aim is to utilize migration as an adaptation measure, not as a displacement measure. Campbell deduces from the Gilbertese resettlement experience to the Solomon Islands that lack of planning, structure, and consideration for cultural cohesion will ultimately lead to displacement which negates the interests of all parties.⁹² As we are approaching forced relocation due to climate change in the twenty first century the frameworks developed to support the processes must be in alignment with the very systems and principles in place that

⁸⁹ Albert u. a.

⁹⁰ Albert u. a.

⁹¹ Joanna Endacott und Shawkat Alam, „Mainstreaming Displacement in Development Policies: An Analysis of Solomon Islands and Vanuatu Approaches“, *Review of European, Comparative & International Environmental Law* 32, Nr. 1 (2023): 136–48, <https://doi.org/10.1111/reel.12474>.

⁹² John R Campbell, „Climate-Change Migration in the Pacific“, *The Contemporary Pacific* 26, Nr. 1 (2014): 1–28.

protect communities from undignified living conditions.⁹³ The primary lesson taken from the historic context is that community participation and consultation are vital to the success of a relocation plan.

We have in today's world established that facilitating the access of information and clear communication channels for the affected community lies directly within the responsibility and obligations of the state under articles 6,7 and 12 of the Paris Agreement as well as their NDCs.⁹⁴ The analysis of the frameworks shows that both Fiji and the Solomon Islands heavily emphasize and embed the consultation processes with the effected communities within their planned relocation guidelines, however, both guidelines still call for the development of the mandatory standard operating procedures as Lund points out in his investigation of the frameworks.⁹⁵ These procedures will play a vital role in shaping how the guidelines will be executed. Similarly in relation to human rights, the Fijian government prominently commits to the safeguarding of all rights enshrined in the ICESCR including explicit commitments to the protection of the right to self-determination (Article 1); the right to work (Article 6); the right to an adequate standard of living (Article 11); The right to the highest attainable standard of physical and mental health (Article 12) and the right to participate in cultural life (Article 15).⁹⁶ Whether these rights can and will be safeguarded in a forced displacement situation will be determined once specific and detailed within the SOPs have been developed. The Solomon Islands relocation guidelines include a significantly briefer reference to human rights although included within approaches, the framework is technical and focuses mostly on a continuation of self-sufficiency of the effected community rather than adaptation.

The guidelines are exceptionally aware of the importance of community engagement and participation in the decision making, implementation and monitoring process which is where their strength lies in this stage. According to diverse literature on the matter the complexity of inter-state cooperation and communication specifically in relation to power dynamics is likely to be the largest challenge in the process. Both guidelines highlight diverse bodies of stakeholders like multiple governments, non-state actors, foreign aid providers, NGO's, academic experts, affected communities, and religious institutions. While it is important to exchange perspectives and gain insights through inter-disciplinary contribution, scholars fear that without detailed planning and preparation the threshold for censuses building may be difficult to reach.⁹⁷ Recommendations on adaptation management have suggested participatory scenario-based planning (PSP) and foresight-enhancing tools to minimize the risk of bureaucratic and administrative delays when the disasters hit.⁹⁸

It is of the highest significance that academics and scholars such as this author continue to assess and dissect new frameworks for their correspondence to human rights. The threat of climate change affect people's livelihoods, health, homes and very existence in many cases. According to the current scientific predictions it is without question that at this pace this danger will continue to grow and threaten more communities many of whom are already

⁹³ Tabe, „Climate Change Migration and Displacement“.

⁹⁴ United Nations, „The Paris Agreement“.

⁹⁵ Lund, „Navigating slow-onset risks through foresight and flexibility in Fiji“.

⁹⁶ „International Covenant on Economic, Social and Cultural Rights“.

⁹⁷ Lund, „Navigating slow-onset risks through foresight and flexibility in Fiji“.

⁹⁸ Melanie Flynn u. a., „Participatory scenario planning and climate change impacts, adaptation and vulnerability research in the Arctic“, *Environmental Science & Policy* 79 (1. Januar 2018): 45–53, <https://doi.org/10.1016/j.envsci.2017.10.012>.

classified as vulnerable due to pre-existing issues. This is a global problem and as an international community it is our duty to pay attention to those carrying the collective burden first. This thesis is a small contribution to understanding that successful relocation due to climate change is intimately tied to the effective legal and structural upholding of human rights standards without which prosperity and peace cannot be achieved.

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