



**The Republic of the Marshall Islands' input to the Special Rapporteur's report on:
"Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage"**

Summary

The Republic of the Marshall Islands (RMI) is comprised of 29 low-lying coral atolls and 5 single islands, for a total of 1,152 islands located in the Western North Pacific Ocean. Climate change threatens the human rights of our communities and individuals in myriad ways, including threatening our rights to life, to adequate food, to the enjoyment of the highest attainable standard of physical and mental health, to adequate housing, to self-determination, to safe drinking water and sanitation, to work, and to development. Of particular concern is sea level rise as RMI's average coastal elevation is less than 2 meters above sea-level, and though the total land area is 181 km², the exclusive economic zone amounts to 2,131,000 Km². Our culture and identity are inextricably linked to the ocean and our homelands.

Given the geography and economy of the Republic of the Marshall Islands, we will face hard and soft limits to our adaptation, and we will not be able to prevent and mitigate all climate impacts. Addressing loss and damage through human rights-based measures will necessitate dedicated and additional funds. Under human rights law, victims of human rights violations are entitled to remedies. Yet existing climate finance mechanisms (such as insurance and humanitarian finance) do not address many types of loss and damage, including for displacement, housing, ecosystems or cultural heritage, effectively denying people who are harmed their entitlements to remedy. In addition, climate finance as a whole continues to face significant access challenges that limit the ability of the most vulnerable to draw on those resources.



I. Experience and examples of vulnerable communities and individuals who have suffered loss and damage due to the adverse impacts of climate change

The full scope of climate change-related human rights impacts and loss and damage cannot yet be quantified because as sea levels rise, we continue to find ourselves adversely impacted in different ways. The examples below should therefore be seen as specific examples in a broad spectrum of current and predicted loss and damage.

While the whole of Marshallese society is affected by climate change and the loss and damage incurred, the most adverse impacts affect forcibly displaced people, women and girls, and result in cultural loss.

I.a. Forced displacement

As confirmed by the latest IPCC reports, global mean sea level is rising and accelerating. RMI must, therefore, prepare for potential large-scale internal displacement across multiple islands that could occur as a result. Though adaptation efforts including land reclamation or elevation may enable some communities to remain in their homes despite some degree of sea level rise, some communities could be forced to move. This forced displacement would have extensive and intractable human rights impacts, starting with the loss of homes and property and their corollary right to freedom of movement and choice of residence.

The threat is not hypothetical: faced with warming lagoons and the rising sea levels, outer atoll communities are now having to consider moving away from their traditional homes. Recent years have seen increased inter-atoll migration towards urban atolls and out-migration to countries abroad, most notably to the United States – home to the majority of the diaspora with approximately 27,000 Marshallese. According to the International Organization for Migration policy brief Issue.1/vol.5 of July 2019 “Marshallese perspectives on migration in the context of climate change” at least a third of the Marshallese population has now migrated, and although they may not cite climate change as a driving factor, the survey recognises their concern with regards to the livability of the islands. As reported by the Internal Displacement Monitoring centre, RMI experienced over 1,800 new disaster displacements from 2008 to 2018, and 200 in 2019. In all, at least 3,000 persons remain forcibly displaced in the Republic of the Marshall Islands, representing over 5 percent of the population.

King tides and over-wash have already eroded the Marshallese peoples' standard of living, deteriorating housing conditions below adequate standards. There are anecdotal reports of islands that once produced vegetation reduced to sand bars due to repeated over-wash from the rising sea level. As climate impacts worsen, RMI to expects further land losses.



I.a. Women and Girls

Land in the Republic of the Marshall Islands is entirely privately owned by citizens and, except for Enewetak, Enjebi, and Ujelang, has traditionally been handed over through a matrilineal form of collective ownership called “the Bwij”. While there was flexibility built into the bwij system, the primacy of matrilineal rights has underpinned women's authority and contributed to the status of women in Marshallese society. While colonial heritage and contemporary western land tenure systems have challenged the traditional system, there has been increasing acknowledgement that gender equality in resource management is not only fair but also economically and socially desirable. This acknowledgement is in part reflected by the Republic of the Marshall Islands' adoption of international human rights instruments and platforms such as the Convention on the Elimination of Discrimination Against Women (CEDAW).

Crucially, displacement is resulting in an unequal and gender differentiated distribution of resources, dispossessing women from their traditional ownership over land and limiting their access to the resources and opportunities associated with it. More than having a purely practical impact on women’s economic rights, this loss profoundly affects the reliability, application and continuity of local cultural knowledge tied to the land, uprooting communities and estranging not only women but the whole population from their traditions and customs.

I.b. Intangible cultural loss

Climate change and displacement threaten Marshallese cultural rights. Our cultural heritage is particularly vulnerable to displacement as it is mostly intangible as defined by UNESCO.

The nuclear legacy has already displaced well over 1,000 people permanently. These communities have struggled to maintain their original way of life and traditional knowledge whether in terms of seafaring, canoe-making, fishing, and livelihood. It is devastating for these displaced people to suffer secondary displacement as a result of climate change. This is a reality that the inhabitants of Kili Island could face relatively soon as they now endure sea-level rise from within the island itself during and not just at its shorelines.

I.c. Loss of livelihood

Examples of loss of livelihoods includes the impact experienced by fishermen due to shorelines and coral reef destruction. This also has an impact on women who produce handicrafts with shells. These have been identified as a main source of income for many outer-island families.

Agriculture, including copra production, has been one of the main sources of income for some of the most vulnerable populations including the internally displaced. It is affected by wave overwash, king tides and freshwater lens salinization, as well as changing weather patterns. Changing patterns of tuna migration away from the shores are already representing a



significant loss of revenue for the Marshallese State as well as the fishing communities, an activity that constitutes the main income for its people.

Finally, it is essential to note that fish has been part of the traditional diet, being the most accessible and abundant source of protein for the population. In 2011, 64.1 percent of the households reported fishing for subsistence purposes. The impact of climate change on the health of the ocean and by extension on fish has therefore a direct impact on the food security of the population, and in particular outer-island communities, which are highly dependent on fish for daily nutrition.

I.d. Nuclear legacy

The rising sea level is also connected to RMI's nuclear legacy. Rising sea levels are likely to have an impact on the structure of the Runit Dome, which houses nuclear and toxic waste from nuclear bomb tests dumped on RMI when the country was administered under a UN Trusteeship, without Marshallese consent or approval. The rising sea levels present a possibility for nuclear and chemical waste to spread further into the Pacific Ocean, our ecosystem and our communities causing unfathomable damage. The human rights impact that this threat poses to the inhabitants of the Republic of the Marshall Islands could be devastating if not abated and resolved.



II. The Republic of the Marshall Islands' policies and practices to redress and remedy loss and damage to the adverse impacts of climate change

The Republic of the Marshall Islands is strengthening its national capacity to address climate change impacts locally, as well as through regional and international cooperation. It has been a leader internationally on climate ambition through its enhanced Nationally Determined Contribution (NDCs(NDC)), Long-Term Strategy, and Adaptation Communication. Nationally, the Government has created the Climate Change Directorate (CCD) aimed at improving coordination between planning and implementing partners, as well as the Tile Til Eo Committee (TTEC). The current National Adaptation Plan (NAP) is being drafted through a series of public consultations, and will map the specific vulnerabilities throughout the country as well as measures to respond. In collaboration with the World Bank and the Global Climate Fund, the Marshall Islands is implementing the Pacific Resilience Project to strengthen early warning and preparedness, resilient investments, and financial protection against disasters.

Despite these efforts to mitigate and adapt to climate change, however, little recourse is available to respond to the loss and damage occurring already and which is predicted to get worse. Though the RMI government has secured international climate finance for mitigation and adaptation efforts, this are severe challenges, associated with limits to capacity, complex application and reporting processes for grants, and extremely long wait times. And for Loss and Damage finance the situation is even more challenging, with existing mechanisms such as insurance schemes and humanitarian aid only covering a very small portion of overall loss and damage, and remaining inaccessible to small island developing states like RMI. Despite these severe limitations on resources, the RMI government has taken steps in several areas.

II.a. Forced displacement

The Republic of the Marshall Islands is part of several regional processes and frameworks aimed at managing displacement, including by engaging in the process of developing the Pacific Regional Framework on Climate Mobility. This framework aims to strengthen capacity and coordination through a human security-based response, including safe labor to climate change and disaster-related migration, displacement and planned relocation. This builds on previous regional agreements, in particular, the 2017-2030 Framework for Resilient Development (FRDP) in the Pacific which recognized the need to protect individuals and communities most vulnerable to climate change impacts and related displacement and migration.

National policy addressing and managing internal displacement and international migration have not yet been developed, and responses are designed on an ad hoc basis. International support to RMI and regional bodies to develop this further would be valuable.



II.b. Women and Girls

The Government of RMI recognizes the specific vulnerability of women and has reflected gender equity in its NDC and Adaptation Communication. It has also included women and girls as a priority throughout its membership at the Human Rights Council along with climate change and the nuclear legacy. There are also local structures in place that may assist in ensuring a gender-sensitive response to loss and damage. This includes the fact that the Cabinet is advised by twelve paramount chiefs on the Council of Iroij, which is inclusive of women, which reviews land tenure issues and other matters of traditional concern.

It also includes women-led civil society groups, in particular the Women United Together Marshall Islands (WUTMI). The Government committed both with the Gender Mainstreaming Policy adopted in 2015 and the Gender Equality Act of 2019 to step up its efforts to address gender inequalities and offer platforms to women and girls to share their experiences and knowledge and participate purposefully in the decision making processes, including in the development, implementation and monitoring of climate adaptation and mitigation strategies.

II.c. Intangible cultural loss

RMI's cultural heritage is deeply rooted to its land, including its history of ocean navigation, outrigger canoeing -fishing, handicrafts and local dishes. The Marshallese people face serious challenges of cultural preservation when removed from their island homes. This has already been experienced by IDPs from atolls evacuated in the 1950s following nuclear testing.

Strenuous efforts are already underway to preserve Marshallese culture, both within its territory and outside. For example, the Waan Aelōñ in Majel (WAM) program aimed at empowering young Marshallese to sustainably preserve and transmit traditional skills and knowledge of canoe making and navigation. Similarly, the diaspora community in the United States, particularly in Arkansas, has maintained aspects of language and culture, including through churches. Despite this, leaving the territory and oceans of RMI threatens many of the meaningful geographic components of Marshallese culture.

II.d. Loss of livelihood

One of the most significant achievements in terms of policies to address future loss and damage is the regional agreement to recognize maritime borders in perpetuity based on geodesic points, as expressed in the 2021 Pacific Islands Forum (PIF) Declaration on Preserving Maritime Zones in the face of Climate Change-related Sea-level rise. This agreement preserves and mutually recognizes the Economic Exclusive Zones and fishing rights of each Pacific nation even in the face of man-made sea level rise, as well as the rights and entitlements that flow from those EEZs.



III. Actions necessary to enhance actions and provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change

The most significant imperative is to establish a finance facility for loss and damage. Time is of the essence as the window to secure a liveable and sustainable future for all is rapidly closing. Most existing arrangements do not provide climate finance that address all loss and damage, *inter alia*, planned relocation for affected people, measures to address permanent loss and damage, and the loss of ecosystems and heritage.

Clarifying the human rights aspects in the context of loss and damage would fill a critical gap. Too many policymakers continue to fail to see the linkages that are obvious to vulnerable populations. The lack of common understanding around human rights impacts and loss and damage prevents the advancement of common frameworks and solutions. It would be valuable to demonstrate that the finance gap around climate finance for loss and damage is increasing exposure and negatively impacting the human rights of the most vulnerable communities including women and girls. There are already consensually agreed policies within the human rights framework that can help address loss and damage issues, in particular the 1998 Guiding Principles on Internal Displacement, as well as the right to adequate housing, and Women's right to housing, land and property as referred to in the Agenda 2030 as adopted by UNGA in 2015.

It is also necessary to develop quantifiable indicators for non-economic loss and damage, as many human rights issues fall in this category.

Finally, it is critical that we continue to highlight that the failure to maintain global temperature below 1.5 degrees Celsius as agreed to in the Paris Agreement and uphold the most ambitious NDC commitments will inevitably result in the erosion of human rights.

Geneva,
30 June 2022.