

## Submission to the UN Special Rapporteur on the Rights of Internally Displaced Persons

Human Rights Watch is encouraged that the upcoming report of the Special Rapporteur on the Rights of Internally Displaced Persons will focus on human rights dimensions of planned relocation in the context of climate change. We provide the following input based on our July 2023 report on the relocation efforts led by a Guna Indigenous community in Panama, [“The Sea is Eating the Land Below Our Homes,”](#) and other ongoing work on this issue.

Planned relocation of entire communities out of hazardous areas is already happening around the world<sup>1</sup> and is likely to become more common as climate risk intensifies.<sup>2</sup> Planned relocations have the potential to make people and their communities safer, but can also result in serious rights violations. Time is of the essence: as climate change accelerates, the window during which we can all learn what makes planned relocation processes and outcomes more rights-compliant is quickly closing. The Special Rapporteur’s report is an important step towards building this evidence base from a human rights perspective.

There is a dual imperative for human rights protections: to support communities that *want to move* through advocating for rights-respecting policies and funding mechanisms, and also to support communities that *want to stay* but are being forcibly displaced in government-led relocations (e.g., when climate adaptation narratives are used to mask land seizures for development, tourism or speculation). In both cases, greater transparency and accountability is needed. Amidst this complex landscape, engagement by human rights advocates should center on promoting the principle of informed consent – ensuring people move on their own terms – in a changing world, and that people’s basic rights are protected at all stages of the planned relocation process.

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<sup>1</sup> Erica Bower, Sanjula Weerasinghe and Daria Mokhnacheva, “Mapping of planned relocation cases: a foundation for evidence-based policy and practice,” *Forced Migration Review*, vol. 69 (2022), pp. 48-51, <https://www.fmreview.org/climatecrisis/bower-weerasinghe-mokhnacheva>

<sup>2</sup> Hans Pörtner et al., “2022: Technical Summary” in *Climate Change 2022: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge and New York: Cambridge University Press), pp. 82, [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_TechnicalSummary.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_TechnicalSummary.pdf)

## **Human rights impacts of planned relocations: case study of Gardi Sugdub, Panama**

Sea level rise and overcrowding threaten the Guna indigenous community living on Gardi Sugdub, a small island off the Caribbean coast of Panama. As a result, in 2010, community members began seeking support to relocate to a new safer site that they already owned and selected on the mainland. Human Rights Watch's [July 2023 report](#) – based on over 40 interviews with Gardi Sugdub community members, local authorities, and others who know the issues well – found that while some aspects of this relocation case have been exemplary, government delays have threatened people's rights both during the relocation process and in the anticipated new site.

This report analyzed whether the relocation is rights compliant in two ways: 1) the actual or imminent rights violations the community suffers that require a remedy and make relocation necessary (adequate standard of living, housing, food, water, sanitation, health, collective rights to land, culture & heritage), and 2) whether there are procedural threats to rights in the way the specific remedy of relocation is applied (meaningful participation, non-discrimination, and for Indigenous peoples specifically, self-determination and free prior and informed consent).

At the time of making this submission, the Gardi Sugdub community has not moved to the new site. After years of delays, the president of Panama had repeatedly promised that the new site will be ready by September 25, 2023. Weeks before publishing our report, the timeline was pushed back to February 29, 2024. When February arrived, the Government of Panama again postponed the relocation to a target date of April 4, 2024. Community members have raised concerns about the new site, including the need for adequate housing; sufficient water sanitation and health; and respect for traditional livelihoods and culture.

*Adequate housing:* Community members raised concerns about whether the housing provided by the government will meet their long-term needs. The homes are designed in a standard prefabricated style adapted from a government housing program and are not tailored to match the Guna way of life. For example, most Guna sleep in hammocks strung between supportive beams, yet the new homes lack places for attachment. These homes are small, designed for a nuclear family of four or five people, not for the large and multi-generational Guna families. Most community members said that they envision building out their own larger traditional homes behind the primary structure. Another concern about the new site is heat, especially as Panama is among the most at-risk countries for high-impact heatwaves and the choice of building materials exacerbates risks from high heat in the new site. There are no trees anywhere in the new site to provide shade, as the area was clearcut for ease of construction. When Human Rights Watch visited the new site in April 2023, there was also visible evidence of flooding, erosion, and small landslides.

*Water, Sanitation, and Health:* Gardi Sugdub community members consistently noted concerns that the new site lacks an adequate supply of water for drinking, sanitation, and subsistence agriculture. Community members mobilized for a new aqueduct from another mainland source, but they said that government or other funding is urgently needed to support this plan. Community members also expressed serious concerns about the lack of a long-term plan for both sewage management and trash disposal. Community members and medical officials emphasized that a health center is essential before the move can occur and expressed frustration that it was not considered a top priority in initial planning, especially given that the nearby regional hospital project has been abandoned. Relocation will also present new public health challenges, including a higher risk of malaria, since the carrier mosquitos are endemic to the mainland forest, but are not as prevalent on islands such as Gardi Sugdub.

*Traditional Livelihoods and Culture:* The move to the mainland will also bring fundamental changes to subsistence ways of life – fisherfolk will need to commute further and spend more money on fuel to access traditional fishing grounds. Keeping fish fresh in transport from the ocean to the new site will also present new challenges without refrigeration. Community members with livelihoods embedded in relations with neighboring islands also face challenges as they move away from their customer base. Community members also perceive that relocation will affect collective rights to culture, which is a particular concern for Indigenous communities. Efforts by the community are underway to ensure cultural continuity in the new site, such as through building a house of congress and house of chicha (ceremony) in traditional materials and including a school classroom for Guna traditional knowledge and language. While some cultural change may be inevitable, proactive relocation planning that integrates cultural dimensions into site development may mitigate losses. Indeed, leadership from within the Gardi Sugdub community has meant that cultural preservation is front and center in relocation planning. As a banner hung in the island congress reads: “A people that loses its traditions loses its soul.”

*Rights of those who stay behind:* Most of the community members Human Rights Watch interviewed expressed a desire to move, a goal they have mobilized toward for over a decade. However, a small minority intend to stay because of recent inheritance of homes, island-based livelihoods, or deep attachment to a place that is familiar. Among government officials and planners, there is a dominant assumption that everyone will move, and hence the school, hospital, power generator, and all climate adaptation and other services on the island would no longer be needed. Yet for most of the island’s residents, relocation does not mean permanently leaving the island; many families intend to split up across two homes, often with young people moving to the mainland and the older generation remaining on the island. Some community members shared visions of what will, in effect, be two connected but separately functioning communities, with two houses of congress and sets of leaders (Sailas). Others said they will commute back and forth between sites on a daily, weekly, or seasonal basis. This is a

continuation of the status quo as residents already practice diverse livelihood strategies that include visits to the mainland for agriculture and use of the island for fishing. Authorities need to support them to maintain these livelihood strategies, including through improved access to land and maritime transportation.

### ***Engagement of communities***

Residents of Gardi Sugdub have, despite obstacles, led the planned relocation process from the beginning. This is a community of skilled professionals: sociologists, biologists, planners, and people who do the essential and often undervalued translational work integrating Indigenous values and world views with modern science and engineering. The relocation project itself has influenced young people's career trajectories; multiple community members have decided to pursue higher education specifically to gain skills required to support their relocation. The community has demonstrated their autonomous leadership in a range of ways, from planning, to coordination, to resource mobilization and fundraising. Rather than presupposing that external experts have answers, community members hope donors would create conditions for locally led climate adaptation solutions.

However, despite the demonstrated leadership capacity of community members, government officials have not always meaningfully integrated community views in the planned relocation decision-making process. When the community took decisions at the local level, consultation and meaningful participation occurred, but when external government officials had meetings with Gardi Sugdub residents, community members said consultations were more 'information sharing' than genuine, inclusive consultation. In particular, the voices of regular members of the community who were not part of the relocation Committee were not always represented. For example, one community member who works in the island store said that "[The ministry] comes and talks to inform us and then they disappear." Other community members reiterated the importance of integrating local and indigenous perspectives in relocation planning at all stages, including a community leader who shared: "If the government has that spirit of support, they should first speak with the people themselves, ask them what they want ... how they would like things to be ... because if they had listened to us from the beginning, things would have been different."

### ***Regional and international actors***

While community members led the planned relocation from the earliest days, a Swiss NGO, Displacement Solutions, was a crucial catalyst for the process, as it engaged the community and the Guna General Congress on the potential challenges and opportunities of relocation.<sup>3</sup> In 2018,

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<sup>3</sup> Carlos Arenas, "An Overview on the Relocation of Guna Indigenous Communities in Gunayala, Panama," Mission Report. Displacement Solutions. 2016, [https://www.academia.edu/44306136/An\\_Overview\\_on\\_the\\_Relocation\\_of\\_Guna\\_Indigenous\\_](https://www.academia.edu/44306136/An_Overview_on_the_Relocation_of_Guna_Indigenous_)

the Inter-American Development Bank (IDB) began supporting the relocation process with technical studies, participatory planning, and monitoring.<sup>4</sup> In particular, Project PN-T1188: “Sustainable Guna Relocation Due to Climate Change” is a technical cooperation project (not a loan), meaning the bank provides only technical expertise with no additional funds. The bank worked closely with human rights lawyers and anthropologists to strengthen communication, planning, and coordination in a culturally sensitive and holistic way that may serve as a model for future community engagement.

In many parts of the world, communities and national governments planning internal relocations rely on support from international actors for decision-making and implementation processes. This assistance – ranging from policy guidelines to technical assessments, monitoring and evaluation to finance – varies widely based on diverse national and local contexts. There is an emergent gap in international climate mobility governance: while climate-related displacement and migration fall under existing mandates of International Organizations, there is no obvious institutional home for internal planned relocation. Current support from international organizations to nationally and locally led planned relocation processes remains ad hoc and siloed, leading to gaps in international accountability and coordination, including a lack of human rights-based standards for engagement.

### ***Legal, policy and institutional frameworks***

Panama’s disaster risk reduction and climate adaptation laws do not adequately address planned relocation. Particularly relevant for Gardi Sugdub, the existing legal framework does not provide for incorporation of indigenous and local perspectives on how to carry out these initiatives in a culturally appropriate and rights-respecting manner. While the National Strategy for Climate Change 2050 and Panama’s Third National Communication to the UNFCCC mention planned relocations of Gardi Sugdub and other communities considering relocation, these documents provide no guidance on how to support or fund such moves. To date, Panama has no national policy or other official guidance to prepare for future planned relocation and safeguard people’s rights in the context of sea level rise.

Human rights frameworks provide guardrails for actors supporting planned relocation projects – whether government ministries, banks, or NGOs – to create conditions for community-led, autonomous adaptation solutions. Such approaches can empower communities to make their own informed decisions, supported with adequate funding and technical assistance to pursue their

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Communities\_in\_Gunayala\_Panama\_Mission\_Report; Carlos Arenas, “One Step at a Time: The Relocation Process of the Gardi Sugdub Community in Gunayala, Panama,” Mission Report, 2015, [https://www.academia.edu/44306134/One\\_Step\\_at\\_a\\_Time\\_The\\_Relocation\\_Process\\_of\\_the\\_Gardi\\_Sugdub\\_Community\\_in\\_Gunayala\\_Panama\\_Mission\\_Report](https://www.academia.edu/44306134/One_Step_at_a_Time_The_Relocation_Process_of_the_Gardi_Sugdub_Community_in_Gunayala_Panama_Mission_Report)

<sup>4</sup> The project has three main components: technical studies including on social economic and cultural aspects of relocation; participatory planning, strengthening and coordination; and monitoring, communication, communication management. Inter-American Development Bank, “PN-T1188: Sustainable Guna Relocation Due to Climate Change,” <https://www.iadb.org/en/project/PN-T1188>

collective goals, on their own terms and timelines. Centering individual and collective rights also raises awareness of potential culture and heritage loss, and positions community-defined values at the core of relocation planning. By creating a planned relocation policy, Panama can be a leader in the region, anchored in their international and national obligations to protect human rights.

Panama and other governments could learn from existing efforts to develop national policies, laws, and normative frameworks on planned relocation. From a recent mapping exercise, Human Rights Watch found six national frameworks (laws, frameworks, guidelines, policies, etc.) that specifically focus on planned relocation, and 16 other instruments that explicitly address planned relocation but within a framework of broader scope (such as IDP protection, climate adaptation, disaster risk reduction). These frameworks need to be assessed not just on their content, but on their real-world implementation. The six national frameworks are described briefly here:

- *Fiji (2018<sup>5</sup>) - Planned Relocation Guidelines: A framework to undertake climate change related relocation:* This policy is generally considered among the first and most comprehensive on the issue of climate-related planned relocation. Like other instruments, Fiji’s guidelines are broken down into the three stages of the relocation process (pre-relocation, in-relocation, and post-relocation). Though it advocates for a “human rights based approach”, this is not elaborated and some sections lack detail of other instruments.
- *Solomon Islands (2022<sup>6</sup>) - Climate Change, Disaster Management and Meteorology, Planned Relocations Guidelines:* These guidelines are comparatively comprehensive. Like others, the instrument includes guidelines for before, during, and following the relocation process. The instrument also includes a preamble calling for a “people-centered, participatory, and inclusive” approach as well as a section on overarching principles that emphasizes similar themes. There is also a prominent section on “cross-cutting issues” that considers such things as “gender and social inclusion” and “education, information, consultation, and participation” across the multiple stages of the planned relocation process. The instrument contemplates the possibility of grievances arising during the relocation process and specifies an office in government to which grievances may be brought. Solomon Islands’ instrument also calls for the establishment of relocation eligibility criteria that are equitable and reflect community input and for criteria that facilitate the relocation of individuals to sites with communities that share social, linguistic, cultural, religious, political and livelihood characteristics. It also includes a strong invocation of the last resort principle, stating that “[p]lanned relocation must be taken as a last resort, after other measures to facilitate

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<sup>5</sup> <https://perma.cc/TAW4-KZX4>

<sup>6</sup> <https://perma.cc/R6V5-7A2V>

adequate adaptation have been exhausted” including strategies set out in climate adaptation, disaster risk reduction and development plans.

- *Peru (2012<sup>7</sup>, amended 2017<sup>8</sup>) - Ley que Modifica la Ley 29869, Ley de Reasentamiento Poblacional Para Zonas de Muy Alto Riesgo No Mitigable*: Peru passed its law on population relocation for areas of very high unmitigable risk in 2012, focusing on floods and landslides. It amended the law in 2017, including a provision that land in areas of non-mitigatable high risk still occupied by anyone who did not relocate is transferred to the state, effectively displacing those who do not comply with some planned relocations. Most notable in the law is the guarantees it provides those participating in the relocation process: 1) no relocation process can begin without the relevant authorities having weighed alternatives and decided against them, 2) the state must use all possible resources to minimize the number of people being relocated, 3) the people participate in the planning of the relocation when circumstances allow it, and 4) a plan can only be executed when a specific regulation authorizes it. Peru’s law requires that new homes of those relocated have “basic services” and “improved security conditions with regard to the risk of disaster” but does not explicitly reference the right to an adequate standard of living and all its constituent elements.
- *Uruguay (2018<sup>9</sup>) - Proyecto de Reglamento Operativo de Programa Plan Nacional de Relocalizaciones*: The document notes the particular ability of housing to diminish poverty as well as special considerations that must be taken into account when housing is involved, such as social integration of the relocating community into their new community. The instrument is also notable for its level of detail: it provides funding and institutional responsibilities, including by specifying who evaluates whom and how votes are taken in certain circumstances. The instrument also mentions that the Housing ministry will create further documents associated with the planned relocation process, such as a guide on how to interview family members and other stakeholders and post them on the ministry’s website.
- *Jamaica (2018) - Resettlement Policy Framework*: The strategy is notable for its strong and explicit focus on voluntary, not involuntary, planned relocation: “Global experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks.” Its section specifying when and how to do community consultations is especially expansive. It also specifies exactly who is responsible for completing each stage. This level of detail permeates the entire plan—it includes annexes

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<sup>7</sup> <https://perma.cc/VP94-KJ5A>

<sup>8</sup> <https://perma.cc/WK5K-KTTJ>

<sup>9</sup> <https://perma.cc/G7TT-X63K>

and appendices on guidelines for voluntary land donation, the proper reporting format for a grievance, and another format for how to document any assets lost during a relocation.

- *Papua New Guinea (2016<sup>10</sup>) - Manam Resettlement Authority Act*: The bill provides for “services and infrastructure” for those resettled, land acquisition for the displaced, and a process for displaced persons to return to Manam with the permission of the government. The instrument is most notable for its comprehensiveness with regard to how the authority it creates will be constituted. The instrument is also one of very few to make note of some kind of grievance procedure related to the relocation process.

### ***Recommendations***

For National Governments:

- Develop national planned relocation policies that center the autonomy and choice of those relocating, and particularly for Indigenous Peoples the rights to self-determination and free, prior informed consent. Such policies should also ensure that planned relocation sites safeguard human rights to adequate housing, water, sanitation, healthcare, livelihoods and culture.
- Develop standard operating procedures (SOPs) to implement such policies, including institutional responsibilities and relevant coordination procedures.
- Establish mechanisms to identify and secure planned relocation project funding from domestic and international sources with human rights safeguards.
- Foster opportunities for community-to-community knowledge transfer and experience sharing, including by providing opportunities for community leaders to share their expertise with other communities considering planned relocation.

For International Donors:

- Conduct training, develop internal guidance, and enhance capacity to ensure an inclusive and culturally appropriate process for supporting communities planning climate-related relocations.
- Recognizing that planned relocations are complex and require long-term support, extend timelines of project cycles and prioritize measures for livelihood trainings, cultural heritage, and social cohesion at the new site. Follow up with ongoing community-led monitoring and evaluation.
- Create conditions for local and community-led solutions by providing funding and technical support directly to communities leading relocations, specifically those with demonstrated leadership capacity.

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<sup>10</sup> <https://perma.cc/M8WP-8XEA>



- Prioritize institutional support for community-led planned relocation as climate adaptation with human rights safeguards, by incorporating the issue into relevant strategic planning and policy documents.