



Submission of the Republic of the Marshall Islands to the Special Rapporteur on Internally Displaced Persons

Background

The Republic of the Marshall Islands (RMI) is a large ocean, small island developing state located near the equator in the Pacific Ocean. RMI has 29 geographically dispersed coral atolls and 5 islands spread across over 2,000,000 km² of ocean. 24 of these atolls and islands are inhabited, most of which are remote and lie merely two meters above sea level, on average.

The Republic of the Marshall Islands has thoroughly explored strategies for relocation in its National Adaptation Plan (NAP), which was developed in consultation with local communities. For the Special Rapporteur's consideration, we annex a copy of the NAP (Annex A) and in this submission, describe some of its more salient features on relocation in context. As a low-lying island, the country faces extreme risks as a result of climate change and is highly vulnerable to sea-level rise. Accordingly, it is important to consider all efforts towards strategic relocation in this context.

The underlying challenge that must be understood is that all of RMI is threatened by sea-level rise, as a low-lying atoll nation. Relocation from one area to another alone is a temporary solution, as there are no highlands to retreat into. With this in mind, RMI is considering land raising and other hard adaptation solutions. The most durable and secure solution for RMI is to address the causes of climate change induced sea-level rise in order to avoid its most adverse consequences for low lying islands, such as RMI.

The Right to Self-Determination and Relocation

The right to self-determination is a good place to begin our consideration of strategies for relocation. RMI's indigenous and traditional culture and customs are tied to our lands and seas. Relocation away from the atolls and islands that we call home would, therefore, have a direct impact on our cultural development and accordingly, is never the preferred option. Relocation is a last resort when all else fails and when the situation demands it for reasons of safety and security.

In our history, the Marshallese people have had adverse experiences with forced relocation. Between 1946 and 1958, the Marshallese residents of Bikini Atoll, Rongelap Atoll, Enewetak Atoll, and Utrik Atoll were relocated so that their homelands could be used for nuclear weapons test. Some of these Marshallese communities remain displaced to this day. We, therefore, exercise caution when it comes to decisions to relocate because we understand fully that such decisions, once made, could mean that we never again return to our homelands. The significance of a decision to relocate would entail a community's acceptance that part of their identity will be lost, they will no longer reside in the lands of their ancestors, and to accept change. This is not an easy decision.

The NAP has a set of strategies which we hope will address some of these challenges and concerns. The NAP advances the "Reimaanlok" Approach which is a framework for transparent and culturally respectful consultation and which places special emphasis on community-based conservation. In our NAP, we set out ways in which we can mitigate the impacts of the changes that come with relocation to give greater recognition and empowerment to the right to self-determination.

Overcoming Resource Constraints Through Collaboration

Given our resource constraints, our NAP is clear that support will be required from the international community in order to deliver the adaptation efforts needed in RMI, at the state and community level. We place great value in our international partners, in securing resources to implement strategies for our local communities. Where relocation is concerned, the case is the same. We are fully cognizant of the resource challenges and constraints that we face, and the Government will seek assistance from donor countries, partner agencies and the international financial institutions in order to deliver on its commitments in the NAP. It is also a key objective to empower communities with the skills

and resources to help themselves and to consider matters holistically in rendering informed decisions on adaptation and when the time comes, whether or not to relocate. Funding support from the international community, primarily in the form of grants, will be vital to ensuring that we are able to work with our communities to put in place adaptation measures and ensure that our communities can make informed decisions on whether or not to relocate.

Not A One Size Fits All Approach

The NAP does not encourage a simplistic approach where one size fits all. The NAP recognizes the indispensability of evidence-based interventions and that some challenges can be addressed, others avoided, and others require additional data and evidence for fair and equitable decision-making. The NAP is, therefore, not an imposed fixed strategy and instead sets the foundations for the dynamic consideration of adaptation needs. The NAP recognizes that the need is likely to arise for communities to relocate in dignity, and that relocation strategies that would work in the specific context and address the specific community's challenges, concerns and needs are required. The NAP recognizes that challenges and constraints exist in each context, and it aspires to provide the tools and basis to constructively address these through a consultative and evidence-based process to identify the best strategy forward.

Enabling the NAP through Law and Policy

The NAP was built upon existing legal frameworks, to ensure that its implementation is grounded in law and is supported by a legal mandate. The main substantive legislation relevant to national planning for climate change adaptation are: The RMI Maritime Zones Declaration Act 2016 I, The Protected Areas Network (PAN) Act (2015), The Coast Conservation Act 2008, The Marshall Islands Marine Resources Act 1997; The Historic Preservation Act 1991; The Planning and Zoning Act (1987); The National Environmental Protection Act (NEPA) 1984 and its Environmental Impact Assessment (EIA) Regulation (Section 21); The Land Acquisition Act 1968.

The NAP should be considered as a part of a plethora of policies within the Marshall Islands that aim to address climate change and its impacts. The Tile Til Eo 2050 Climate Strategy aims to achieve net-zero greenhouse gas emissions and 100% renewable energy

goals by 2050 while accelerating adaptation and resilience measures. The National Oceans Policy and Implementation Plan provides a roadmap for marine resource management, and the Water and Sanitation Policy and Proposed Action Plan serve as a framework for climate-resilient water sector development. The 2011 National Climate Change Policy Framework emphasizes the need for education, awareness, and community mobilization to prepare for climate change's negative effects. While there is no specific policy on information management and services, the National Disaster Management Office has developed the Bok Am Melele (BAM) information management strategy, which is yet to be implemented.

On the international level the RMI has been engaging regionally to ensure the preservation of the socio-economic and cultural rights as well as their civil and political rights of its people, as per the Pacific Islands Declaration on Statehood and Protection of Persons of 9 November 2023. The declaration recognises that the rights and duties inherent to CESCPR and ICCPR will be maintained notwithstanding sea-level rise. The rights based and people centred approaches were further reinforced through Regional Framework on Climate Mobility which enshrined regional cooperation calling for relocation to be carried out in a safe, dignified, and timely manner.

Many of these policies are aimed at disaster risk management and together form a systematic approach towards the Marshall Islands institutional climate change governance.

Science Based Consideration on Climate Change Impacts

The NAP has a segment dedicated to the science-based consideration on climate change impacts. In specific regard to the question of relocation, any decision to relocate is one that must be justified on the basis of scientific evidence. Likewise, as earlier alluded, the strategies for relocation must be developed through a scientific process, through consultation, investigation, and taking an evidence-based approach.

Conclusion

RMI continues to build its institutional framework for climate change governance and is committed to effectively adapting to climate change. Nevertheless, adaptation in the

Marshall Islands context has serious limitations given its geographical composition as a low-lying island and severe resource constraints. The most durable solution for the Marshall Islands is an increased global effort towards mitigating emissions, and immediate implementation of adaptation measures, to prevent unnecessary relocation which will have profound impacts on our communities. In the Marshall Islands context and other islands that share similar geography, climate change is a threat to our entire territory. We are, therefore, highly reliant on increased global efforts towards combatting climate change, and on the donor community to provide our country with the support required to adapt. If left unmitigated, continued climate change induced rising sea-levels would eventually render the Marshall Islands incapable of adaptation. The Marshall Islands submits that this reality for low-lying island states should resonate in the report of the Special Rapporteur for the serious consideration of high-emitting States, with an emphasis on their immense responsibility to mitigate their emissions and recall the duty to cooperate on developed countries to provide the resources required to adapt and secure our communities' future in our country.