



THE PENINSULA PRINCIPLES IN ACTION

CLIMATE CHANGE AND DISPLACEMENT
IN THE AUTONOMOUS REGION OF
GUNAYALA, PANAMA

MISSION REPORT

July 2014



CONTENTS

I.	EXECUTIVE SUMMARY	01
II.	INTRODUCTION	08
1.	Background information	10
III.	RELOCATION OF THE GUNA COMMUNITIES FROM THE ISLANDS TO THE MAINLAND	15
1.	Scientific data about the rise of sea levels in Gunayala	16
2.	Natural disasters and weather-related events that have affected Gunayala	20
IV.	LEAD ROLE OF COMMUNITY IN RELOCATION FROM GARDI SUGDUB ISLAND	22
V.	ROLE OF THE GOVERNMENT OF PANAMA IN THE RELOCATION FROM GARDI SUGDUB ISLAND	26
1.	The projected regional primary level health center	26
2.	The projected school complex	27
3.	The projected housing project	31
4.	Planned or unplanned relocation?	32
VI.	LAND AND PROPERTY RIGHTS ISSUES IN GUNAYALA	34
VII.	LEGAL AND INSTITUTIONAL APPROACHES TO CLIMATE CHANGE AND RISK MANAGEMENT IN PANAMA	39
1.	Climate change management framework	39
2.	National communications submitted to the UN Climate Change Secretariat	41
3.	Risk management framework	41

VIII. LESSONS LEARNED BY DISPLACEMENT SOLUTIONS AND THEIR APPLICATION IN GUNAYALA	45
--	----

IX. THE PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT	49
--	----

1. Basic definitions and main principles	49
2. The rights of climate displaced persons	50
3. The obligations of States regarding climate displaced persons	52
4. Obligations of States during the different stages of the climate displacement process	53

X. CONCLUSIONS	60
----------------	----

XI. RECOMMENDATIONS	64
---------------------	----

Recommendations to the Government of Panama	64
---	----

Recommendations to the Inter-American Development Bank	65
--	----

Recommendations to the Guna General Congress	65
--	----

Bibliography	66
--------------	----

Appendix	69
----------	----

Appendix A Peninsula Principles (English)	77
--	----

Appendix B Peninsula Principles (Spanish)	109
--	-----

THE MAIN STREET OF
GARDI SUGDUB, THE ISLAND
FROM WHICH RESIDENTS
ARE PLANNING TO RELOCATE
TO THE MAINLAND DUE TO
RISING SEA LEVELS.

Image: Kadir van Lohuizen / NOOR

Location: Guna Yala (San Blas)





I. EXECUTIVE SUMMARY

From 28 March - 9 April 2014 a fact-finding mission from Displacement Solutions visited Panama to investigate the impact of rising sea levels on the displacement of communities in the autonomous region of Gunayala, and the planned relocation of these communities from affected islands to the mainland. The mission used the *Peninsula Principles on Climate Displacement* as a guiding framework for assessing the situation and for making recommendations as to what action is required to ensure that the human rights of communities affected by or threatened with climate displacement are fully protected. The mission also conducted training sessions with local communities and their leaders on the Principles to empower them to adopt an effective and sustainable approach to climate displacement.

THE 2013 PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT

The 2013 Peninsula Principles are the first international legal instrument on the rights of climate displaced persons and the obligations of states and the international community towards them. They provide comprehensive guidance on how best to deal with climate displacement for all involved.

COMMUNITIES AFFECTED BY CLIMATE DISPLACEMENT

The communities affected by rising sea levels live on the small and beautiful coral islands that border the Gunayala mainland in what is known as the San Blas archipelago. The islands are inhabited by the Guna people, an indigenous group which forms the majority of the population in Gunayala. As almost all of the islands lack fresh water, settlement has taken place on those that are closest to the mainland and near the mouths of rivers. While these communities live on the islands and fish in the surrounding ocean, many of them maintain crops and access water on the mainland.

A series of natural disasters and weather-related events that have affected the islands over the last ten years have highlighted the issue of rising sea levels and climate change, and have made the relocation of communities from the islands to the mainland an increasing priority. Population growth over several decades has also led to a lack of space on the islands and is a contributing factor to the need for relocation. In addition, there has also been pressure from environmental groups interested in protecting the coral reefs around the islands for the inhabitants to be relocated.

It is estimated that approximately 28,000 people will eventually have to relocate from the islands to the mainland as a result of rising sea levels and climate-related events in the years to come. It should also be noted that a further 12,000 people originally from the Gunayala islands who have moved to Panama City are expected to join the relocation back to their home province, bringing the total number to some 40,000 people. The fact-finding mission visited a number of the communities likely to be affected.

The mission found that, as is the situation elsewhere in the world where climate displacement and relocation have already occurred, many of the Gunayala communities were struggling with the idea of relocation. Relocation can be a divisive issue within a community, and is a very difficult decision for people to make, especially when they are deeply rooted in the place where they have been living for centuries, and even if they are fortunate enough to have a safe place to go. This is particularly the case with indigenous communities such as the Guna, who have a special relationship with the place where they live, as well as the sea. Some communities visited, such as that on the island of Mandi Ubgigandub, have decided that they will wait to see how long they can stay in their homes, and will also see how the relocation of other communities who have already decided to relocate, such as that on Gardi Sugdub, evolves.

The fact-finding mission focused principally on the island of Gardi Sugdub, due to the fact that the community has already taken the first steps in initiating the relocation process.

RELOCATION FROM GARDI SUGDUB ISLAND TO THE MAINLAND

In 2010, the community on Gardi Sugdub island decided to relocate to the mainland and created a “*Comisión de la Barriada*” or “neighbourhood commission” to organise the relocation process. By the date of the fact-finding mission’s visit to Gunayala, a total of 300 families (+/- 1,500 people) from Gardi Sugdub had signed up to be relocated to the mainland. Approximately 200 of these families are currently living on Gardi Sugdub, with the other 100 families originally from the island now living in Panama City. Despite the fact that four years have passed since the community decided to move, the relocation has yet to take place.

After the initial decision was taken to relocate in 2010, the community acquired the necessary land on the mainland to commence the process. Seventeen hectares of land was donated by several families from the community as the site where the first houses would be built. Arrangements to clear the site were put in place, as land in Gunayala is covered by one of the most dense and well-preserved forests in Panama. The committee also approached different governmental agencies requesting support, and secured agreement from the Ministry of Housing to implement a project to build the first 65 houses at the relocation site.

The Ministry elaborated a blueprint for the project, which included housing, roads and communal buildings. The houses proposed by the Ministry followed a design used in other projects in rural communities in Panama, which unfortunately did not take into account the cultural characteristics of traditional Guna houses. As of April 2014, the construction of the houses had not yet started and there was considerable uncertainty about the future of the project. The financial resources initially allocated for the project (\$2.4 million) were no longer available as they had been subsequently diverted for other emergency projects in another province affected by severe rain and landslides.

At the time of the fact-finding mission’s visit, a new government health centre and school complex, funded by the Inter-American Development Bank, were under construction on land next to the relocation site. These centres will directly benefit the relocation process even though they were not conceived by the government as having anything to do with it.

ROLE OF THE GOVERNMENT OF PANAMA

As has been seen elsewhere in the world, the community directly affected by climate change has taken on the responsibility for orchestrating the first steps of a relocation plan in Gunayala. However, the support required from state institutions to complete and implement the plan has not yet been provided and is urgently required.

Apart from the promise of support for the housing project referred to above, the Panamanian government does not appear to have any official strategy on how to address the situation of the communities living on the islands in Gunayala as they become increasingly vulnerable to rising sea levels and weather-related events. There is no official policy regarding relocation, and the government has not developed any coordinated or systematic plan in this regard.

The government of Panama has established an impressive national legal and institutional framework for disaster risk management and climate change measures, but none of these have yet been utilised in relation to the climate displacement which already presents an imminent threat in the Gunayala region – and indeed is already taking place from Gardi Sugdub.

The relocation process initiated by the community on Gardi Sugdub could provide a model for climate displacement in Gunayala and elsewhere, if organised and implemented successfully. The initial steps already taken by the community present the government with a considerable opportunity to support and promote the process as a pilot project. The government therefore needs to undertake immediate measures to provide active support and engagement.

The worst-case scenario would be for an extreme weather-related natural disaster to occur, forcing a sudden, chaotic, and permanent relocation of large numbers of people. To avoid such a situation, the government should allocate the necessary financial resources so that its risk management systems might be activated in Gunayala at the earliest possible opportunity, to start the process of preparing for the impact of climate change and extreme weather events on the islands.

KEY CHALLENGES

Land: Land is perhaps the key issue in addressing climate displacement: people will lose land and will need new land to start their lives over. The Gardi Sugdub relocation project already planned will only provide land and housing for a small number of those wishing to relocate. Considerably more land will have to be identified not only to accommodate those from Gardi Sugdub but the more than 40 other communities that are threatened with climate displacement from the islands. As the system of land ownership in Gunayala is quite complex, and includes at least five different types of property ownership under Guna customary laws, the process of land identification for relocation will likely be a complicated and time-consuming process. Moreover, experience from elsewhere in the world has indicated that securing land for relocation is necessarily a costly endeavour, and that public funds need to be clearly allocated for this purpose.

Public health and environment: There are also public health and environmental challenges associated with relocation from the islands. One of the historical reasons for the Guna people's decision to settle on the islands was their desire to escape malaria and yellow fever on the mainland. The Gardi Sugdub community expressed concern about the health implications of relocation to the mainland given that these mosquito-related diseases still occur in the areas where relocation is planned. Action to address the public health aspects of relocation, including vector management measures, will also be required. Action will also need to be taken to plan for and address the environmental challenges that will be posed in the longer term by the potential settlement of thousands more people in the most well-preserved forest area in Panama.

Access to livelihoods: Even after they relocate to live on the mainland, it can be expected that the affected communities would continue to maintain a close link to the islands due to the fact that they are intimately connected to the current sources of the community's livelihood, which are principally fishing and, increasingly, tourism. The economic situation of the Guna people is fragile, as the economy is shifting from a subsistence-based to a service-based one. It is therefore important that those relocating are able to maintain access to their old way of life in this process of transition, while at the same time finding new opportunities on the mainland. In this respect, it should be noted that there have been suggestions from some quarters that the Guna should not have continued access to the islands after their relocation, due in part to environmental concerns related to the Guna's practice of using live coral to "infill" and expand the surface of the islands. The Peninsula Principles recognise that the transition process can involve the need to continue to retain connections to the displaced communities' original land for as long as possible. Considerable support will also be required to assist the relocating communities with the development of new labour and income-generating skills so that their access to a livelihood will not be negatively affected by the move.

Timeframe for relocation: Given the reluctance of some communities to move, the timeframe for relocation will need to be carefully considered. While the threat of rising sea levels is a gradual phenomenon, extreme weather-related events can severely exacerbate the threat posed during certain times of the year. In this respect, the Peninsula Principles affirm the right of those who may be displaced to move safely and to relocate over time.

ROLE OF THE INTER-AMERICAN DEVELOPMENT BANK AND THE INTERNATIONAL COMMUNITY

As noted above, the health centre and school complex that will be located next to the relocation site are being funded by the Inter-American Development Bank (IADB). These are part of a broader program supporting unprecedented efforts by the government of Panama to improve educational and health facilities in indigenous areas, in recognition of the significant inequalities between the health and education of indigenous groups and that of the general population. The IADB is also currently funding a \$100 million dollar project in Panama to reduce the impact of natural disasters and the effects of climate change.

However, while the school and health centre will clearly be of direct benefit to those relocating, the IADB has not supported any projects to specifically address the issue of climate change displacement in Gunayala to date. Given its interest in programs aimed at both reducing the effects of climate change and the vulnerability of indigenous people, there is significant scope for the IADB to become actively involved in a range of efforts to support the relocation process. For example, the IADB has extensive experience with housing projects in Latin America and the Caribbean, and could be approached to provide financial support for the stalled Ministry of Housing project to build houses at the relocation site. It could also support further housing projects to accommodate the much larger number of people who wish to relocate than are covered by the pilot project, or projects to provide the health, education and other basic services that will be required in relocation sites to ensure their sustainability. Another area where the IADB could provide support would be for capacity-building programs for the Guna leadership and their organizations in addressing the complex issues associated with climate displacement and relocation.

ROLE OF THE GUNA GENERAL CONGRESS

As the main administrative organization in Gunayala, the Guna General Congress (GGC) has had the issue of climate displacement on its agenda for the past decade or so, and has been working with affected communities on the issue for some time. As noted above, however, it has not had the support that it needs to properly address the issue from the national government. Nonetheless, the GGC should continue with its own efforts to prepare and plan for relocation, including through measures such as information-sharing, disaster-preparedness, land identification, and training programs for new income-generating skills.

CONCLUSION

Climate change displacement is already underway in Gunayala and presents an urgent challenge for the national government, local authorities and the communities affected. Immediate efforts are required to address this complex challenge, in particular to organise an orderly relocation process. If not, there is a serious risk that an extreme weather-related natural disaster will occur, forcing a sudden, chaotic, and permanent relocation of large numbers of people, for which no preparations have been made. This can be avoided if the necessary financial resources and risk management systems are operationalized in Gunayala at the earliest possible opportunity.

RECOMMENDATIONS TO THE GOVERNMENT OF PANAMA

1. Comply with the obligations set out in the 2013 Peninsula Principles on Climate Displacement to recognise and respect the rights of climate displaced persons.
2. Ratify ILO Convention 169 (1989) on Indigenous and Tribal Peoples and comply with the 2007 UN Declaration on the Rights of Indigenous Peoples to further advance recognition of and respect for the rights of the Guna people.

On preparing and planning for climate displacement

3. Acknowledge that rising sea levels are already causing climate displacement from the islands of Gunayala and urgently initiate a process to prepare, plan and respond to climate displacement in the region.
4. Use the Peninsula Principles on Climate Displacement as a guiding framework to establish institutional frameworks, procedures and mechanisms to address the problem.
5. Undertake immediate mitigation, adaptation and other preventative measures to give effect to the right of island communities threatened with climate displacement in Gunayala to remain in their homes and retain connections to the land on which they live for as long as possible.
6. Immediately establish a participatory planning process with Guna communities and organisations in Gunayala to establish a master plan for relocation that addresses critical matters such as land acquisition, adequate housing, access to education, basic services and livelihoods to ensure the long-term sustainability of the process.
7. Initiate a process to identify land for relocation in recognition of the central role that land plays in any policy designed to address the consequences of climate displacement, and clearly earmark funds for acquiring land for relocation in Gunayala from national funds allocated for climate-change adaptation measures.
8. Undertake capacity-building measures with the Guna people and their organisations, such as the Guna General Congress, to support their efforts to address climate displacement.

On the relocation project from Gardi Sugdub

9. Give urgent consideration to the request from the community of Gardi Sugdub to relocate and immediately provide adequate financial and institutional support to establish a pilot project for relocation from the island to the mainland.
10. Revive the stalled Ministry of Housing project to build the first 65 houses on the relocation site, and re-allocate the funding that was initially committed back to the project so that it may move forward. Request the Inter-American Development Bank for financial assistance for the project, if necessary.
11. Conduct further consultations with the Guna community so that the traditional design of Guna houses might be incorporated into the housing design utilised in the Ministry of Housing project.
12. Conduct a health impact assessment prior to relocation in relation to the risk of malaria and yellow fever at the relocation site, and undertake preventive vector management measures.
13. Provide training and other support programmes to develop new labour and income-generating skills for those relocating so that their access to a livelihood will not be negatively affected by the move.

TO THE INTER-AMERICAN DEVELOPMENT BANK

1. Recognise that indigenous communities living on the islands of Gunayala are already affected by climate change displacement and give immediate priority to establishing programs to support these communities, particularly in the area of housing, health and education.
2. Provide support for the stalled Ministry of Housing project to build houses at the Gardi Sugdub relocation site, and for further housing projects for relocation as required.
3. Undertake capacity-building programs for the Guna leadership and their organizations in addressing the complex issues associated with climate displacement and relocation.

TO THE GUNA GENERAL CONGRESS

1. Continue to prepare and plan local communities for climate displacement and relocation, including through measures such as information-sharing, disaster-preparedness, land identification, and training programs for new income-generation skills.



ONE OF THE ISLANDS
ALREADY BEING SUBMERGED
BY RISING SEA LEVELS.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



II. INTRODUCTION

From 28 March to 9 April 2014 a fact-finding mission from Displacement Solutions¹ visited Panama to continue learning about how rising sea levels were affecting the Guna autonomous region of Gunayala², and how the process of relocating some communities from the islands to the mainland was evolving³. Additionally, Displacement Solutions wanted to introduce and use for the first time the *Peninsula Principles on Climate Displacement* in a specific relocation process, and see how they were or were not being complied with⁴.

The Displacement Solutions mission focused mainly on the island of Gardi Sugdub (Carti Sugtupu), the community that is leading the process of relocation in Gunayala. At the beginning of 2014 we contacted the Guna General Congress (GGC)⁵ to request permission to visit Gunayala to document the current situation and introduce the Peninsula Principles as a legal tool that the Guna communities could use for those displaced as a result of climate change. The GGC liked the idea of introducing the Peninsula Principles in Gunayala and enthusiastically suggested that we meet with the local congresses of Gardi Sugdub, Mandi Ubgigandub (Soledad Mandinga) and Gardi Dubbir (Carti Tupile), all located on the western part of the San Blas Archipelago. Although we visited the three communities and our original plans included talking to their respective authorities and inhabitants and holding community meetings at each site, we were able to accomplish all but the community meeting at Gardi Dubbir which had to be cancelled at the last minute due to bad weather.

The community meetings we held in Gunayala were among the most special moments of our visit. We felt privileged to be able to hold discussions with the two Guna Communities during their regular community night meetings, an opportunity we knew is not granted to everyone⁶. The two community meetings allowed us not only to introduce the Peninsula Principles, but also to learn first hand about the internal dynamics of each community, and their different approaches to the problems generated by climate change and rising sea levels.

¹ The Displacement Solutions mission was conducted by Carlos Arenas and photojournalist Kadir van Lohuizen. We were accompanied and assisted by Joana Abrego from the *Centro de Incidencia Ambiental* (CIAM), a leading Panamanian environmental organization. The mission team would like to thank the extremely generous and invaluable support that Joana and management and staff at CIAM provided to make this trip successful. We would also like to thank the Guna General Congress (GGC) for enthusiastically supporting the idea of our visit to Gunayala and for granting us all the necessary permissions and helping us with logistics. Specifically we would like to thank Irik Limnio, Atencio López, Aresio Valiente, Arnoldo Bonilla, Augusto Boyd, Anerio Merry, and the *Caciques* Inocencio Martinez and Baglio Pérez. In Gardi Sugdub we would like to thank their traditional authorities, mainly *saila* Luis Murphy and *argar* Abelardo Garrido; professor Francisco Gonzalez, and the members of the "neighborhood committee": Albertino Davis, Leonardo Brown, Heliodoro Erhman, Blas Lopez, Dalis de Fábrega, Victoria Navarro, José Davies and Eira. Finally, we would like to thank Evelio López for his hospitality and friendship. In Mandi Ubgigandub (Soledad Mandinga) we would like to thank their local authorities, *ex-cacique* Gilberto Arias and the family of Remigio Perez for hosting us. In Panama City we would like to thank Guna sociologist Jesús Alemancia, and the colony of people from Gardi Sugdub that met with us on a Sunday morning and shared with us their dream of returning to live in Gunayala.

² For many years this Panamanian indigenous group was known as the "Kunas", and their territory as "Kuna Yala". However, in the past few years the community decided to start using a new spelling which resulted in the change in their name from Kuna to Guna, and their region's name from Kuna Yala to Gunayala. Throughout this report we will mainly refer to places in Gunayala using the new system, followed by the former way of spelling the name, or how it is also known in Spanish. A list with the old and new spellings of all the communities in Gunayala is included in the appendix (see Appendix, Table No 2 and Table No. 3).

³ Our visit was a follow-up visit for photojournalist Kadir van Lohuizen, who had visited Gunayala in July 2011. Kadir works in collaboration with Displacement Solutions to document, through photography and video, how global warming is affecting people and communities worldwide. During the last three years, Displacement Solutions has published Kadir's photographs in several of their publications. Kadir's work on climate change and displacement has also been published by the *New York Times* and other news outlets worldwide. http://www.nytimes.com/interactive/2014/03/27/world/climate-rising-seas.html?hp&_r=1

⁴ The Peninsula Principles are the first international legal instrument on the rights of climate displaced persons and the obligations of states and the international community towards them. Displacement Solutions led the drafting of the Peninsula Principles and published them on August 18, 2013.

⁵ The GGC is the main political and administrative structure in Gunayala. In conjunction with the Cultural General Congress, it represents the main governing bodies of the Guna people.

⁶ The meeting in Gardi Sugdub was attended by around 40 people, most of them adult male. The meeting at Mandi Ubgigandub was attended by around 80 people, male and female of all ages. During our time in Gunayala and during our visit to a Guna neighbourhood in Panama City we were assisted by Ansberto Ehrman, a Guna retired school teacher, who acted as our interpreter and guide.

In Gardi Sugdub the community had clearly decided to relocate to the mainland, although not everyone is currently planning to move⁷. As a result, they were extremely interested in learning about the Peninsula Principles, and exploring other ways *Displacement Solutions* could support their relocation efforts. All the *sailas*⁸ (community leaders) and *argars*⁹ (interpreters for the *sailas*) were very welcoming and friendly. The entire community also actively participated during the community meeting and asked us several questions. A follow-up meeting was suggested for the next day with the “neighbourhood committee”, to talk further and go over all the details. A few days later the main *saila* and several members of the “neighbourhood committee” also accompanied us to visit the relocation site on the mainland.

On the other hand, in Mandi Ubgigandub, the community had decided that they would not relocate for now. They told us that they would wait and see what would happen with rising sea levels and how the relocation process in Gardi Sugdub would proceed. However it was clear to us that the relocation issue is a contentious one in the community. During the community meeting the *sailas* were relatively quiet, and one of them seemed somehow uncomfortable, or apparently not very happy with the topic of our conversation. The meeting was led by a very well respected *ex-cacique*¹⁰ (regional chief), Gilberto Arias, who is now one of the *argars* of that community. It was obvious during our short time in Mandi Ubgigandub that *ex-cacique* Arias was a very well respected man in the community¹¹. He encouraged the entire community to participate in the meeting and ask us questions. In fact, he asked the community some questions to make them participate. Toward the end of the meeting one of the *sailas* (the one who seemed uncomfortable or unhappy) finally said that they would stay in their island because the effects of climate change were not affecting them yet, but if anyone wanted to relocate it was their problem and they could do it by themselves. The *ex-cacique* Arias calmly intervened and clarified that the relocation was not an individual decision but a community decision. He thanked us for contributing to their conversation on the issue of climate change and making them think more about it.

The contrast between the discussions at the two community meetings regarding the prospect of relocation is a good illustration of how difficult this topic is to handle for any community facing this type of problem. Deciding to move from a place where a community has lived for many years is very challenging, and sometimes creates tensions and divisions among their members. The decision to relocate is especially difficult for an indigenous community as they have a special connection to where they live and, in this case, also the special relationship that they have developed for over a hundred and fifty years with the sea, which they consider their grandmother. However, as the relocation process for the Gardi Sugdub community will demonstrate, once the decision to relocate is made, the most difficult part begins. Without the proper support from the state, the international community and other non-state actors, without a plan or a successful model to follow, and without enough resources, the relocation of any community is extremely complicated. In this report we hope to illustrate the way one of the communities in Gunayala is dealing with the issue and learning from that experience.

⁷ The elders have said that they would prefer to stay on the island. Meeting with the board of the “neighbourhood committee”, Gardi Sugdub, March 30, 2014.

⁸ A *saila* or *sáhila* are local community leaders in charge of the spiritual and moral guidance of the community. Typically a community has about five *sailas*, ranked in order of importance and all are part of the local Guna congress.

⁹ The *argars* are the interpreters of a *saila*'s words, which they translate from stories and songs to a simpler language that is more easily understood by the community.

¹⁰ A *cacique* is a regional chief and they are also members of the Guna General Congress.

¹¹ After our visit to Gunayala we learned that *ex-cacique* Arias attended the 14th Conference of the Parties (COP 14) in Poznan, Poland, on December 2008. See Solis, Rogeliano (2013). *Case Study. Free, Prior and Informed Consent: The Guna Case, In the Context of Its Autonomy*. Conservation International. Page 9.

One of our main messages to the Gardi Sugdub community was that we believe that they have accomplished a lot to date, and that despite all the challenges they are facing with their relocation process, there is still time to do it right and become a model for climate change relocation in Gunayala and worldwide. It was clear to us that the Gunas at Gardi Sugdub were happy to hear this message. In fact, for almost 90 years the Gunas have set an example for other indigenous communities in the Americas on what indigenous autonomy looks like, and they loved the idea of becoming a model on climate change relocation processes. We have no doubt that they will accomplish this, but for now they need help, as soon as possible, with the planning of the relocation process and with resources to do it properly.

This report is divided into eleven sections. Section one is the introduction. Section two provides background information about the Guna people. Section three describes where the idea of relocating the Gunas from the islands to the mainland came from. Section four explains in detail the actions taken by the Gardi Sugdub community to relocate to the mainland. Section five describes the role of the Panamanian Government in the relocation process and the projects that are currently under development or in the planning stages in Gardi Sugdub. Section six explains the land and property rights issues arising within the context of the relocation. Section seven provides a short overview of the legal and institutional approaches to climate change and risk management issues in Panama. Section eight summarizes the lessons learned by Displacement Solutions regarding relocation processes worldwide and applies them to Gardi Sugdub's relocation. Section nine provides a review of the Peninsula Principles and how they are followed (or not) in Gunayala. Section ten provides some very practical recommendations to the Inter-American Development Bank and the Panamanian Government to make the relocation process in Gardi Sugdub, and in the entire Gunayala region, a successful experience. Finally, section eleven presents some conclusions.

1. BACKGROUND INFORMATION

The Guna people are originally from the northwestern part of Colombia, before they moved to what is currently the Republic of Panama in the sixteenth century. In a process that took a few centuries, they inhabited the forest of the San Blas mountains, until they finally settled in a long strip of land between the mountains and the Caribbean sea, currently known as Gunayala (See Appendix, Map No.1 and No. 2). Around the middle of the nineteenth-century the Gunas started moving to some of the 371 small and beautiful coral islands that border the Caribbean coast, in what is known as the San Blas Archipelago. It is believed that shortly afterwards they finally decided to settle on the islands, mainly to escape from diseases on the mainland, most likely malaria and yellow fever. As almost all of the islands lack fresh water, the Gunas settled on those that were closest to the mainland and near the mouths of rivers. To this day they farm crops, hunt, and access water from rivers on the mainland¹², while living on the islands and fishing in the ocean.

¹² Over the last ten years many communities in Gunayala have built aqueducts from the rivers to the islands. This has been a significant improvement, as people do not have to travel so often to the mouths of the river on the mainland to collect water. However, this arrangement falls way short of resolving the magnitude of the needs for fresh water on the islands.

From very early on, its strategic location placed the region in the middle of territorial disputes between different global powers. In addition to the Spaniards who colonised the region, there were Scottish and French settlers, English pirates, and, toward the end of the nineteenth century, America's banana corporations. Additionally, American military personnel briefly established a military checkpoint near the El Porvenir peninsula during the Second World War, as part of their efforts to protect the Panama Canal. The lack of access to Gunayala from the interior of Panama and Colombia contributed to keeping Gunayala relatively isolated from the external world until a mere four years ago, when 41 kilometres of road that connects the port of Gardi (Carti) with the interior part of Panama was finally paved and several bridges were built.

Historically the Gunas have resisted all efforts at colonisation. Additionally, they have been very successful in protecting their territory from all types of outsiders, including small settlers, large entrepreneurs and even state officials. When Panama separated from Colombia in 1903 the Guna communities become divided, and some of them remained loyal to Colombia for several years. The most dramatic fight to control their territory took place in 1925 in "the Tule Revolution", when, after years of abuse, the Gunas attacked and killed several police officers and expelled all state institutions from their territory. The U.S. military mediated the conflict between the Gunas and the Panamanian government, resulting in a unique autonomous status for the region, which has been recognized by subsequent laws since the 1930s.

Since the Tule Revolution, the relationship between the Gunas and the Panamanian state has been largely peaceful, if at times somewhat tense. In combination with their autonomous status, this has allowed the Guna people and their culture to flourish. The population in the Gunayala region has grown from around 15,000 in the 1920s to a peak of 34,000 in 1990. The last two censuses have shown a small decrease in population (32,446 in 2000 and 33,109 in 2010)¹³.

According to the 2010 census, most of the Gunas are located in the Province of Panama (50.44%), where Panama City is located, followed by Gunayala (37.64%) (Table No. 1). This indicates a migratory pattern from Gunayala to the capital city that started with the construction of the Panama Canal more than a hundred years ago and became a permanent flow since the 1970s.

¹³ According to the 2010 Census, Panama has a relatively sizeable indigenous population (417,559), representing around 12% of the total population of the country. The Gunas are the second largest indigenous group, with 80,526 people, or 19.28% of the total indigenous population of the country. (See Appendix, Table No 1).

TABLE NO. 1: GEOGRAPHIC DISTRIBUTION OF GUNA PEOPLE IN PANAMA, BY PROVINCE¹⁴

PROVINCE	NUMBER OF GUNA POPULATION	PERCENTAGE
Bocas del Toro	651	0.81%
Coclé	462	0.57%
Colón	4,393	5.46%
Chiriquí	641	0.80%
Darién	2,553	3.17%
Herrera	279	0.35%
Los Santos	234	0.29%
Panamá	40,620	50.44%
Veragua	258	0.32%
Comarca Kuna Yala	30,308	37.64%
Comarca Emberá	10	0.01%
Comarca Ngobe Buglé	117	0.15%
TOTAL	80,526	100.00%

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>

Out of the 33,109 people who live in Gunayala according to the 2010 census, 91.5% are Gunas (30,308). Most of Gunayala's population lives in the area of *Corregimiento* Nargana, or Sector No. 1 (42.4%), located in the western-most part of Guna territory, bordering the Province of Colon. The second-most populated area is the *Corregimiento* Agligandi, or Sector No. 2 (35.1%), followed by *Corregimiento* Tubuala (Dubwala), or Sector No. 3 (20.3%) and finally *Corregimiento* Puerto Obaldía, or Sector No. 4 (2.0%), which is located in the eastern-most part of the territory, bordering Colombia. There are 49 Guna communities in Gunayala, most of them located in the area of Sector No. 1 (28 communities). There are no Guna communities in *Corregimiento* Puerto Obaldía (Table No. 2). Around 95% of the population in Gunayala lives in the 48 locations that are considered Guna communities. The remaining 5% (1,607 people) live in 47 different locations (many of them islands that belong to any of the 49 communities) (see Appendix, Table #2 and Table #3).

¹⁴ It is important to keep in mind that the census data does not specify how many Gunas live in other *comarcas*, such as Madugandí and Wargandí which are also Guna communities, but are located in the provinces of Panama and Darién.

TABLE NO. 2: GUNAYALA'S POPULATION BY SECTORS AND NUMBER OF HOUSES

CORREGIMIENTOS (SECTOR)	POPULATION	%	NUMBER OF GUNA COMMUNITIES	NUMBER OF HOUSES	AVERAGE PEOPLE LIVING PER HOUSE
Nargana (Sector No. 1)	14,060	42.47%	28	2,113	6.65
Agligandi (Sector No. 2)	11,644	35.17%	10	1,730	6.73
Tubuala –Dubwala- (Sector No. 3)	6,733	20.34%	11	979	6.88
Puerto Obaldia (Sector No. 4)	672	2.03%	0	175	3.84
TOTAL	33,109	100.00%	49	4,997	6.63

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>

The ten most populated communities in Gunayala account for 41.5% of the total Guna population, and all of them are located on islands. The most populated community is Usdub, with a population of 2,180, representing 6.58% of the total population in Gunayala. Six of the most populated communities are located in Sector No. 2, even though it only has a total of 10 communities. On the other hand, only two communities of Sector No. 1 (Yandub-Nargana and Gardi Sugdub) are among the ten most populated communities, despite the fact that it has more communities than any other with a total of 28.

TABLE NO. 3: TEN MOST POPULATED COMMUNITIES IN GUNAYALA, BY SECTOR, POPULATION AND NUMBER OF HOUSES

NAME USED BY PANAMA'S 2010 CENSUS	NEW GUNA WRITING	SECTOR NO.	POPULATION	% OF TOTAL POPULATION IN GUNAYALA	IS THE COMMUNITY LOCATED ON AN ISLAND?	# OF HOUSES	AVERAGE # PEOPLE LIVING PER HOUSE
1. Ustupu (Isla conejo pintado or Neque)	Usdub	2	2,180	6.58%	Yes	317	6.88
2. Ukupseni (Playón Chico)	Uggubseni	2	1,849	5.58%	Yes	274	6.75
3. Achutupu (Isla Perro)	Asshudub	2	1,586	4.79%	Yes	251	6.32
4. Ogobsucum (Ensenada del coco)	Ogobsuggun	2	1,562	4.72%	Yes	198	7.89
5. Aligandi (Manglar)	Agligandi	2	1,408	4.25%	Yes	236	5.97
6. Yantupu (Nargana)	Yandub – Nargana	1	1,215	3.67%	Yes	197	6.17
7. Kanir-dup (San Ignacio de Tupile or Isla Gallina)	Gannirdub	2	1,192	3.60%	Yes	200	5.96
8. Carti Sugdub	Gardi Sugdub	1	927	2.80%	Yes	145	6.39
9. Mulatupu	Muladub	3	906	2.74%	Yes	154	5.88
10. Miria Ubigantupu (Soledad Miria)	Mirya Ubgigandub	1	896	2.71%	Yes	123	7.28
TOTAL			13,721	41.55%		2,095	6.55

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>

III. RELOCATION OF THE GUNA COMMUNITIES FROM THE ISLANDS TO THE MAINLAND

“Before there was a lot of land so no one thought about infilling the land. Now that we live on the islands people who want to have more land have to do it this way. While there is land on the mainland, we are used to living on the islands and we are afraid of snakes and mosquitoes, so if we want land we must work hard to beat the sea” (Inaiduli, one of the argars from Mirya Ubgigandub or Soledad Myria at the beginning of the 2000s)¹⁵.

The idea of moving some of the Guna population from the islands to the mainland is not new, with an article in the Gunayala statutes regulating possible relocation¹⁶. Over the years some community leaders¹⁷ have promoted the idea of relocating the populations of some of the islands to the mainland as a result of population growth and lack of space¹⁸. However, over the past ten years the idea of relocating to the mainland has become an increasingly important item on the agenda of the Guna General Congress and most of the local Guna Congresses.

The increased attention to relocation has arisen due to a series of natural disasters and weather-related events that have affected the islands of Gunayala over the last ten years. These weather-related events have put pressure on the Guna communities to start looking for long-term alternatives. A scientific article published in 2003 on the effects of climate change in Gunayala¹⁹, which led to several academic workshops and other public awareness-raising events, also contributed to creating a sense of urgency about the relocation process and connecting it to the broader issue of climate change and rising sea levels.²⁰

¹⁵ Quote taken from Martínez Mauri, Mónica (2011). *Kuna Yala, tierra de mar. Ecología y territorio indígena en Panamá*. Quito: Ediciones Abya-Yala. Page 119. The translation is ours.

¹⁶ According to Art. 170 of the Gunayala Statute: “Any project to create or relocate a community in Kuna Yala should have a prior environmental impact study (cultural and social), which may be done by Kuna professionals from the community concerned or their representatives”.

¹⁷ Specifically, former *cacique* Leonidas Valdés Kantule and the first Guna Catholic priest, and *argar*, Ibelele Nikktiginya Davies. Both passed away in 2010.

¹⁸ Interview with Guna lawyer Aresio Valiente, Panama City, April 6, 2014. Interview with Guna biologist Heraclio Herrera, Panama City, April 8, 2014. Valiente and Herrera mentioned the Ukupseni 2000 project (Uggubseni), also known as Playon Chico Island, as one of the first that during the 1990s projected relocating some of its population to the mainland as a result of population growth. However, the relocation has not yet happened. The Ukupseni 2000 project however did build a pedestrian bridge connecting Uggubseni to the mainland, as they are only 200 meters apart.

¹⁹ Guzmán, Héctor M, Guevara, Carlos and Castillo, Arcadio (2003). “Natural Disturbances and Mining of Panamanian Coral Reefs by Indigenous People”. *Conservation Biology*, Vol. 17, No. 4. Pages 1396-1401.

²⁰ There have been articles about Gunayala in newspapers and journals that have mentioned the topic of relocation since 2010. See for example, “Rising Tide: On the Islands of the Kuna. Panama’s indigenous Kuna people are at risk from climate change”, by Ruxandra Guidi. *Americas Quarterly*. Spring 2010. <http://www.americasquarterly.org/node/1513>. However, while there has been growing interest in the impact of climate change and the displacement of communities in Gunayala, this report is the first comprehensive public study of the topic. See also FUNPADEM et al (2012). *Proyecto Comunidades Costeras Centroamericanas y Cambio Climático. Diagnóstico ambiental, social y productivo de la comunidad Gardi Sugdub, Comarca Guna Yala, Panamá*. Unpublished document. We are grateful to the Panamanian environmental organization ANCON for providing us with a copy of this document.

1. SCIENTIFIC DATA ABOUT THE RISE OF SEA LEVELS IN GUNAYALA

As noted above, in October 2003, marine biologists Héctor Guzmán, Carlos Guevara and Arcadio Castillo published an article in the *Journal Conservation Biology* that has become the most authoritative and influential study so far on the effects of climate change in Gunayala²¹. The article addressed two main topics:

- ▶ *Sea level rise and surface decrease of uninhabited islands*: The authors found strong evidence of an increase in sea levels in Gunayala, that averaged 2.0 mm from 1907 to 2000, with evidence that it has been accelerating since the 1970s²². According to the authors, “a gradual and significant increase in sea level was recorded for Panama that has averaged 2.0 cm/year (*sic*) since 1907 and 2.4 cm/year (*sic*) for the last 30 years”²³. At the same time, based on the comparison of aerial pictures taken of uninhabited islands in Gunayala over a 30 year period, the authors found “a reduction in surface area of 50,363 m² (from 664,954 to 614,591 m²), with an average loss of (...) 1105 m² on uninhabited islands”²⁴.
- ▶ *Surface growth of inhabited islands and the dramatic decrease of live hard-coral*: The main focus of the authors in the study and their biggest concern was that the inhabited islands have been increasing their surface as a result of the unecological practice by the Guna people of coral infilling. “We estimate a total increase of 62,289 m² in surface area for several populated islands (93%) as a result of coral infilling (from 382,078 to 444,367 m²), with an average of (...) 1034 m² and an increase of 190% in one village”²⁵. The need for expanding the surface of the islands is explained by the authors as a result of a significant increase in the Guna population, based on census data indicating that the population grew by 60% between 1920 and 2000. As a result of this practice, live coral in the region has decreased dramatically. According to the authors, “Live hard-coral cover declined significantly from approximately 60% in the early 1970s to 13% by 2000”²⁶.

Since the publication of his 2003 study, Guzmán has organized several public events on his findings. For instance, on June 9, 2010 Guzmán and the Smithsonian Institute, with the support of the British Embassy in Panama, organized an international forum entitled “Kuna Yala: Tradition and Climate Change”, to bring the problem to the attention of the general public, the Guna people, and the Panamanian government about rising sea levels and the need to relocate the Guna communities as a way to save and restore the coral of Gunayala²⁷.

²¹ Guzmán, Héctor M, Guevara, Carlos and Castillo, Arcadio (2003). Op. cit.

²² According to Guzmán there is a mistake in the published version of the article. Instead of referring to annual sea level increases in millimeters, the published version incorrectly refers to centimeters. This “typo” has led to a lot of confusion when this article is quoted in other studies. Interview with Héctor Guzmán, Panama City, April 7, 2014.


²³ Guzmán, Héctor M, Guevara, Carlos and Castillo, Arcadio (2003). Op. cit. Page 1398.

²⁴ Idem.

²⁵ Idem.

²⁶ Idem.

²⁷ Guzmán told the EFE news agency that, “the purpose of the forum was to have a rapprochement between what is defined as two cultures. Ours has a lot of scientific information that can be useful to help the Kuna people make good decisions” (the translation is ours). According to EFE, Guzmán also noted that the intention is to induce the Kunas to a change in attitude that involves a gradual and organized migration from their current communities located on islands to new ones to be located on the mainland. See, “Cambio climático afectará cada vez más al archipiélago panameño de San Blas”. EFE Agency, June 10, 2010. Also, interview with Héctor Guzmán, Panama City, April 7, 2014.



SEA LEVEL RISES HAVE
DECREASED THE SURFACE
OF THE ISLANDS RESULTING
IN OVERCROWDING.
ISLANDERS HAVE RESORTED
TO CORAL INFILLING TO EXPAND
THE ISLAND SURFACE.

Image: Kadir van Lohuizen / NOOR

Location: Guna Yala (Yandup island)





One of the materials presented at the forum was a short documentary narrated in Guna language with English subtitles²⁸. The entire text of the video is the following:

*"For centuries, we the Kuna of Panama's Kuna Yala Comarca lived in the tropical forest of the mainland. In the middle of the 19th century, we began to migrate to the Caribbean coast. Since 1938, we Kuna have maintained an autonomous territory of 480 kilometers of coastline and more than 300 coral islands. In the last 30 years, our population has nearly doubled. The natural coral reefs used to protect us against ocean storms. But we removed the coral to build walls and infill to make our islands bigger. In total, we Kuna have constructed more than 20 kilometres of coral walls, and we have expanded our islands to cover about 6 hectares of seafloor. Because of the removal of the coral, we have lost the natural protection of the reefs against storms and erosion. We face a difficult future. Climate change is warming up the ocean, leading gradually to a rise in sea level and possibly triggering more severe storms. In the short run, we must think about moving off the islands and back to the mainland, something that some of our communities are considering. We need to promote restoration of the coral reefs back to their original state and to protect our marine environment to mitigate against the effects of climate change. We, the Kuna cannot resolve this crisis on our own. We need everyone's help"*²⁹.

The altruistic intentions of Guzmán and his colleagues and their interest and passion to save and restore the coral reefs of Gunayala are undoubted. However, the situation in the Gunayala islands has brought to the fore the age-old tension between the desire to protect the environment and the fate of the populations who live in those environments³⁰. In this particular case, it is important to note that the population in question is a culturally rich indigenous community with well-deserved prestige among many environmental circles. The approach used by some conservationists to date has been somewhat arrogant, and has not been constructive towards establishing an intercultural dialogue. Our main concern, however, is that a purely conservationist approach to relocation driven primarily by the desire to save the coral without taking into full consideration the Guna people and their entire habitat (of which the coral is only one part) is not sustainable in the long run. It would also undermine the social and cultural prestige of the Guna people, the basis of the autonomous control, administration and management of their territory, and even their special albeit not perfect relationship with nature³¹.

²⁸ According to the Smithsonian website, "The forum aimed at the initiation of a scientifically-led dialogue with Kuna representatives and Panamanian authorities on the available tools to support the Kuna who are facing the degradation of a nature barrier and the 2mm increase in the Caribbean Sea level every year. The forum also presented a video financed by the UK in Panama on results from research on San Blas. According to Guzmán, 'it is important that scientists support efforts to disseminate information leading to adaptation to climate change, since this is no longer an academic debate... Panama must establish land uses for its territory. This is the responsibility of the state and must include investors and developers in the coastal areas. The Kuna are the population facing the highest risk right now, but we are also looking at many other signs in the rest of the country.'" http://stri.si.edu/english/about_stri/headline_news/news/article.php?id=1153

²⁹ The video can be viewed here: <https://www.youtube.com/watch?v=HJth7Ox4SQE>

³⁰ Clad, James (1984). "Conservation and Indigenous Peoples. A Study of Convergent Interest". *Cultural Survival*, Winter 1984. <http://www.culturalsurvival.org/ourpublications/csqa/article/conservation-and-indigenous-peoples>

³¹ According to Spanish anthropologist Mónica Martínez Mauri who recently published a very interesting ethnographic study on marine resources in Gunayala, there is an amazing level of knowledge among the Kuna people regarding the marine resources in the area. "The Kunas of Gardi Sugdub identified 80% of the fish species, 22% of invertebrate species and less than 1% of the species of corals and sponges mentioned in the STRI [Smithsonian Tropical Research Institute] field guide. This data shows that the Kuna identify wildlife -except corals- but are unaware of the wide variety of marine flora". Interestingly, Martínez Mauri also found that, "Most of the inhabitants of Gardi Sugdub do not recognize the different species of coral and refer to them using the generic *akkua* (literally means stone)". Martínez Mauri, Mónica (2011a). *Kuna Yala, tierra de mar. Ecología y territorio indígena en Panamá*. Quito: Ediciones Abya-Yala. Page 94. During our fact-finding visit to Gunayala we also heard several Guna people referring to the coral used for infilling the surface of the islands as 'stones'.

2. NATURAL DISASTERS AND WEATHER-RELATED EVENTS THAT HAVE AFFECTED GUNAYALA

The worst natural disaster ever recorded in Gunayala was a tsunami that affected the San Blas islands on September 7, 1882. The tsunami was the result of an earthquake of magnitude 7.9 generated in the region. It is estimated that this tsunami produced waves of 3 meters in height and killed at least 100 Gunas³². This tsunami was one of 12 recorded in the Caribbean coasts of Central America from 1539 to 2000, and the only one where deaths were reported³³.

As previously mentioned, Gunayala has been struggling with the rise in sea level for some time. However, one of the worst storms and flooding events in recent memory took place at the end of November 2008. Guna people typically refer to the months of November and December as the ones where they experience the most extreme weather-related events, mostly because of the rain and very strong winds coming from the north. At the end of November 2008 the newsletter from the Guna General Congress reported the following: “The last two weeks the Comarca Kuna Yala has experienced flooding due to rising sea levels. Almost all communities are being affected by the phenomenon, which has created general alarm. It is traditional that every year the sea level is altered and water pushes the edges of the islands, but this year has exceeded traditional levels, as reported by the population”³⁴.

In Gardi Sugdub people vividly remember the November 2008 storm as one of the worst and scariest events ever. Our fact-finding mission had the opportunity to talk to *saila* Murphy, who told us about the storm that impacted his island so severely that November. *Saila* Murphy's home is located near the ocean and on the day of that storm his house had to face the strong winds and tides directly. His kitchen was washed out entirely by the storm. His entire home and most of the island remained flooded for several days until the waters finally subsided. People in Gardi Sugdub were very scared, and the *sailas* went to the local Congress house to pray for most of that time. It was also decided that no one should leave the island because this was even more dangerous.

Reflecting on the dramatic experience of November 2008, Anelio Merry López, communications secretary of the Guna General Congress, wrote a very interesting article about the floods that was published in their electronic institutional newsletter:

“One issue we cannot ignore is the experience that the whole region lived from last November and subsequent weeks, where the region was alarmed as a result of a natural phenomena (...) For years several communities have been proposing to move to the mainland, not only because of rising sea levels, but because the islands themselves are getting smaller with the gradual increase of the population, thus requiring more room. While it is true that Kuna Yala's people have its roots on the banks of the great rivers of the Darien region, and the fact remains that our ancestors were thrilled with the

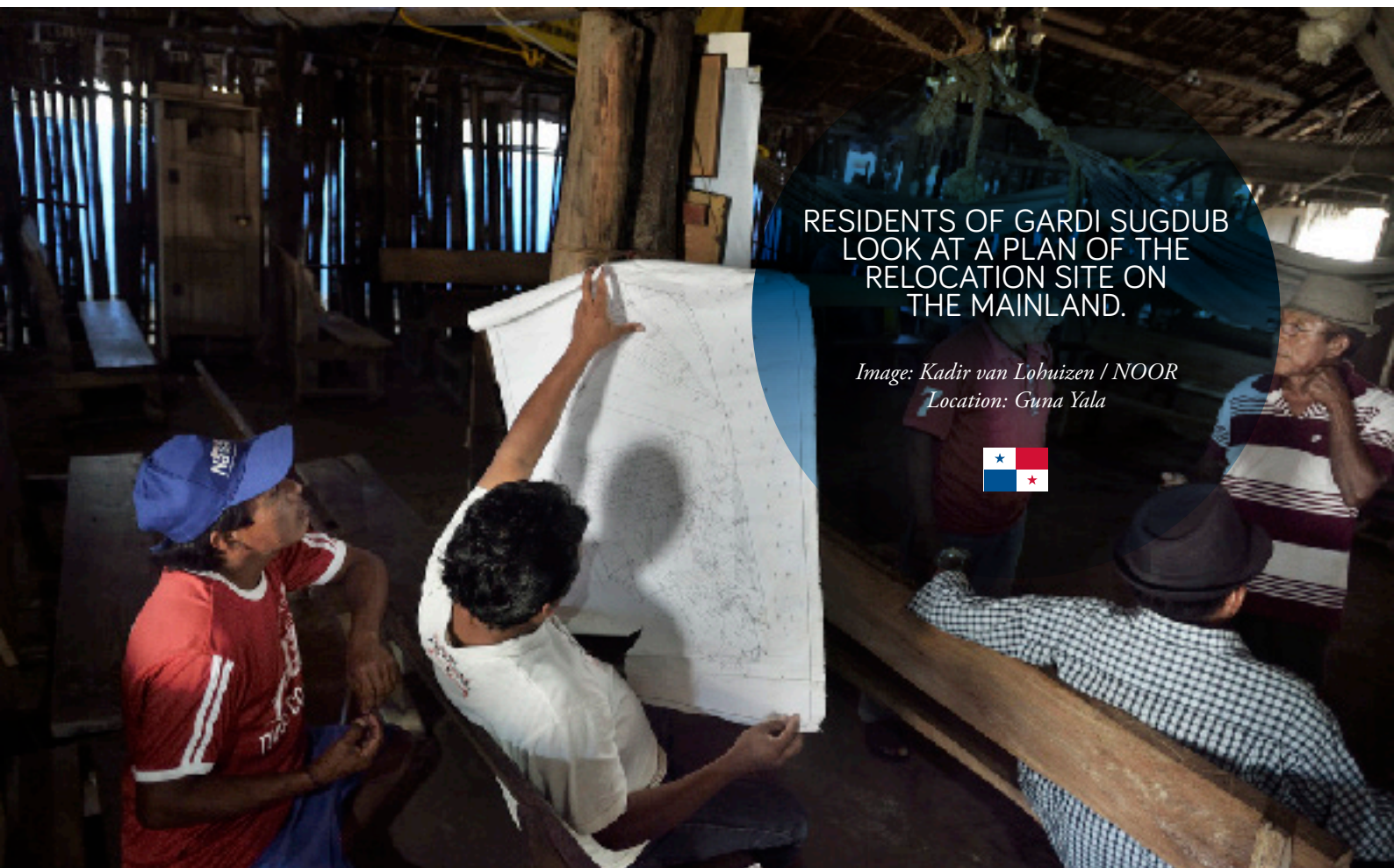
³² Fernandez, Mario (2002). “Daños, efectos y amenazas de tsunamis en América Central”. *Revista Geológica Centromericana*, 26: 71-83.

³³ *Idem*.

³⁴ Merry López, Anelio (2008). “Alarma por aumento del nivel del mar”. *Kuna Yala por dentro*. Vol. 5, No. 6, November 29, 2008. http://www.geocities.ws/kunayarki/edicion_anterior.013.htm

islands, today it is hard for us to imagine leaving the islands, which have been our home for several hundred years. However, there are strong indications of future threats that should compel us to take action. We should not be shocked if Mother Nature surprises us and then we will regret not having taken any action. In principle, each community must take action, organize and develop strategies to deal with the consequences of global warming.

Is Kuna Yala prepared to face natural disasters? The answer should be a categorical: No. So far no one never raised that question, and the suggestion to include this topic on the agenda of the next Congress is timely and inevitable. All representatives of the 49 communities must propose alternatives and the General Kuna Congress must take responsibility, in a process that should start from the communities themselves (...) Each of our communities are autonomous and have the ability to develop community programs and create contingency programs without further intervention from the highest bodies. For example, they can decide whether or not to relocate to the mainland”³⁵.



RESIDENTS OF GARDI SUGDUB
LOOK AT A PLAN OF THE
RELOCATION SITE ON
THE MAINLAND.

*Image: Kadir van Lohuizen / NOOR
Location: Guna Yala*



³⁵ Merry López, Anelio (2009). "Una Mirada desde la puerta de 2009". Kuna Yala por dentro, Vol. 6, No. 1. January 2, 2009. http://www.geocities.ws/kunayarki/edicion_anterior.013.htm

IV. LEAD ROLE OF COMMUNITY IN RELOCATION FROM GARDI SUGDUB ISLAND

By the date of our visit to Gunayala, a total of 300 hundred families from Gardi Sugdub had signed up to be relocated to the mainland³⁶. Approximately 200 of those families are currently living in Gardi Sugdub and 100 additional families are currently living in Panama City, but are originally from that community. After deciding to relocate and getting the necessary land to do so, on April 17, 2010 the Gardi Sugdub community started working on the relocation site³⁷. The first step was to organize the group to start collectively clearing the selected site³⁸. It is important to keep in mind that most of the land where the community plans to relocate was covered by secondary forest and needed to be cleared. As a result, the Gardi Sugdub community decided that all the families (living both on the island and in Panama City) who signed up to relocate would go together every month to work on clearing the relocation site. If an individual did not participate, s/he must pay a \$10 dollar fine. As a result, the diaspora community in Panama City is permanently organizing fundraising events and activities to pay for this fee³⁹.

Several factors facilitated the decision of the Gardi Sugdub community to relocate, such as:

1. *Location:* Gardi Sugdub is an island located only one and a half kilometres from the Gardi port and it has always been one of the main entry points to Gunayala. An airstrip was built on the mainland during the 1970s and for many years an unpaved road from El Llano to the Gardi port allowed a small number of vehicles through, especially during the dry season. However, for many years the road remained unpaved and with good luck it used to take around seven hours to travel from Panama City. Given its condition, it was not a reliable road due especially to the fact that several bridges were missing, which made it useless most of the year. In 2010 the Panamanian government finally repaired and paved the road and built all the necessary bridges, making the trip from Panama City to the Gardi port now only a two and a half hour one. The paved road has had a significant impact not only in Gardi Sugdub but also throughout the entire Gunayala region, for better or for worse⁴⁰. Currently, this is the easiest way to travel to Gunayala and to move from there to any other community, even those on the border with Colombia.

³⁶ Given that an average of approximately 6.4 people live in a house in Gardi Sugdub, it is estimated that approximately 1,500 people are currently planning to move to the new relocation site.

³⁷ Meeting with the board of the "neighborhood committee". Gardi Sugdub, March 30, 2014.

³⁸ Perhaps the first public reference about the actions taken by the Gardi Sugdub's community to relocate was registered by a Panamanian newspaper, in an article entitled, "Hasta luego, querida isla. Kunas se mudan a tierra firme por cambio climático". *Mi diario*. August 30, 2010, pages 8 and 9. The story was written by Guna journalist Dmitry Diaz. In that article, Blas López, then president of the "neighborhood committee" is quoted saying: "We've cleared about two and a half hectares of land, which can sustain about 30 families. Each family will have 500 square meters including space for a garden or crops (...) We are currently preparing an operational plan, we are making links with government agencies, with international aid agencies and even the University of Panama, for the design of houses and streets. We will create a neighborhood with the same traditional features, with its philosophy of unity".

³⁹ Meeting with the "Pro-housing Commission-Panama chapter", Panama City, April 4, 2014.

⁴⁰ *Displacement Solutions'* fact-finding mission visited Gunayala through this road and we witnessed the constant flow of people in and out of the Gunayala region. The road has also produced a significant socio-economic impact in the region. For instance, it has increased the access to many goods that were almost impossible to find, such as plastic bottles, cans, etc. This has magnified the problem with refuse management, which was already an issue before this happened.

2. *Organization and leadership:* The Guna people are very organized, but people from Gardi Sugdub are especially well organized. Once the community took the decision to relocate they created a “*Comisión de la Barriada*” or “neighbourhood commission” for the relocation process and started approaching different governmental offices asking for support. Additionally, Gardi Sugdub has the most well organized diaspora from Gunayala. In fact, Gunas from Gardi Sugdub that live in Panama City have been organized for many years, and even own a building in the Santa Ana neighborhood⁴¹. The building serves as a kind of embassy in the city, which is used by the authorities from Gardi Sugdub when they have to travel to Panama City for business related to the community. According to members of the “neighborhood commission” in Gardi Sugdub, there are 567 people currently living in Panama City who are originally from the island who maintain an active relationship with people on the island⁴². For the relocation process, these people created their own group called the “Pro-housing Commission-Panama chapter”.
3. *Land:* The community has made the necessary arrangements to have land available for the relocation. Some families have donated 17 hectares of land to be used to build the first set of new houses. The land, which is comprised of two separate pieces - one totalling 13 hectares and the other 4 hectares - is located near the road and near the projected new school and health center that the Panamanian government is currently building in the region⁴³.
4. *Resources:* Gardi Sugdub's local economy is booming as a result of all the traffic and tourism generated by the paved road. At the time of our visit to Gunayala, they had established an entry fee of \$10 dollars for foreigners and \$3 for Panamanians. It seems that Gardi Sugdub is the community that is benefiting the most from the new economy in the region.

VOICES OF THE RELOCATION IN GARDI SUGDUB

“If we are going to relocate we want to improve our standard of living.”

–Blas López, member of the neighborhood committee in Gardi Sugdub.

“In their traditional songs, Gunas do not mention the islands or the sea, only the mainland. Therefore, with the relocation to the mainland the Gunas will be returning to their origins.”

–Evelio López, community leader in Gardi Sugdub.

“There are 12 people in my family so we cannot live in a room - we need a house. That will be a problem. In Panama City I am a squatter.”

–Gilberto Arcia, member of the Pro-housing commission-Panama Chapter in Panama City.

⁴¹ As was mentioned at the beginning of this report, *Displacement Solutions'* fact-finding mission to Gunayala had the opportunity to meet separately with the entire community of Gardi Sugdub at one of their nightly meetings in the *Casa del Congreso*; with the “neighborhood commission”, at a special meeting at the *Casa del Congreso*; and with the diaspora community, or “Pro-housing Commission-Panama chapter” at a special meeting in their community building in Panama City.

⁴² Meeting with the board of the “neighborhood committee”, Gardi Sugdub, March 30, 2014.

⁴³ *Displacement Solutions'* fact-finding mission to Gunayala had the opportunity to visit the land where the health center and the school complex are being built, and the 17 hectares of land where the community is projecting to build the first set of houses. During our visit to the relocation site, we were accompanied by Gardi Sugdub's main *saila* and several members of the neighborhood committee. This report includes some of the pictures taken during that visit.

“Many Gunas have come to Panama City to educate their children. Many would like to return to Gunayala, but have nowhere to stay there.”

–Benilda, member of the Pro-housing commission-Panama Chapter in Panama City.

“The relocation project must include training for members of the community to generate income, such as workshops on electronics, carpentry, etc.”

–Rolando Méndez, member of the Pro-housing commission-Panama Chapter in Panama City.

“In Gunayala people are in the habit of working communally, that is why we have joined forces between the Gunayala community on the island and the one living in Panama City. It has not been easy; here we do activities all the time with the idea of helping Gunayala. Unity is strength”.

–Benilda, member of the Pro-housing commission-Panama Chapter in Panama City.

However, the relocation process in Gardi Sugdub has proven to be a very complicated enterprise for several reasons, both internal and external.

Internal reasons: The relocation process has created some natural tensions among the Gunas themselves at several levels. At the organisational level there have been differences in criteria among the Guna General Congress and the local congress regarding how to handle the relocation process. At the community level there have been differences among individuals in the Gardi Sugdub community itself. The original plan included building only 65 houses and there have been differences of opinion about how to decide who will relocate first⁴⁴. Additionally, among several people in the community there is a sense of urgency to relocate. Some leaders have framed the differences of opinion between two sides as the professionals and the non-professionals. According to this narrative the professionals have been advocating for a well-planned relocation that could take longer. On the other hand, the non-professionals are ready to relocate without any planning.

At another level there are differences between people who live in Gardi Sugdub and Gardi Sugdub's diaspora in Panama City. The community living in Gardi Sugdub is moving at the pace of the local discussion and decision-making process. The diaspora has expressed their desire to move as soon as possible. They are even advocating for the allocation of individual plots of land so each family can start their own house construction. Since construction has not yet begun in the four years since the clearing began, about 10 families have already left the organization as a sign of their level of frustration⁴⁵. Finally, it seems that there has been some tension with members of other Guna communities who would like to relocate to Gardi Sugdub's new site⁴⁶.

⁴⁴ During our meeting with the “neighborhood committee” in Gardi Sugdub, it was mentioned that it would be decided based on those who complied with all the obligations and tasks set by the committee. However, it is not clear if the group in Panama City supports that approach given their difficulty to comply with some of the tasks as a result of not living in Gardi Sugdub.

⁴⁵ Meeting with the “Pro-housing Commission-Panama chapter”, Panama City, April 4, 2014.

⁴⁶ Interview with Jesús Alemancia. Panama City, March 31, 2014.

External reasons: There have been many unexpected bumps and delays in the relocation process and four years have already passed since the first time the community started clearing the relocation site. For instance, there have been changes at the leadership level in Gardi Sugdub. For several reasons, some of the original leaders and supporters of the relocation were not able to continue the follow-up of the project, others decided to take a break for some time as a result of internal tensions among members of the “neighborhood committee” regarding the best way to move forward. There have also been many delays by the Ministry of Housing regarding the initiation of the construction of the planned houses, as we will see in more detail later. Additionally, the Gunas have asked for support from many sources, including the United States, Britain, and Qatar through their embassies in Panama, and also to several foreigners that have visited Gunayala. As a result there have been many false promises, or many promises that have not yet materialized, which have contributed to creating a lot of frustration and uncertainty about the relocation⁴⁷.



RESIDENTS OF GARDI SUGDUB
VISIT THE PLANNED RELOCATION
SITE ON THE MAINLAND.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



⁴⁷ Meeting with Guna lawyers, advisers of the GGC Aresio Valiente and Atencio López. Panama City, April 8, 2014.

V. ROLE OF THE GOVERNMENT OF PANAMA IN THE RELOCATION FROM GARDI SUGDUB ISLAND

The Panamanian government has taken a fragmented approach to relocation in Gunayala and has not developed any coordinated or systematic plans in this regard. However, several ministries have developed some very impressive projects in the area of Gardi Sugdub, such as building a hospital and a school complex, and there is a promise to build a first group of 65 houses. These projects are being implemented on land provided by the Gardi Sugdub community, next to the relocation site. As a result, it could appear as though these activities were part of a coordinated governmental relocation project. Unfortunately, that has not been the case, and in reality each intervention has been completely disconnected from the next.

The two main projects currently under construction in Gardi Sugdub are the health center and the school complex, which are being built with funding from the Inter-American Development Bank (IADB). These projects have been developed principally with the aim of reducing the disparities in health and education of indigenous communities rather than to assist with the relocation process. The IADB is also currently funding a \$100 million dollar project in Panama to reduce the vulnerabilities of the impact of natural disasters and the effects of climate change⁴⁸. The irony is that we could not find evidence that the IADB is aware of what is going on in Gardi Sugdub regarding the relocation process of its community, caused precisely by climate change.

1. THE PROJECTED REGIONAL PRIMARY LEVEL HEALTH CENTER

The Panamanian Ministry of Health (MINSA) is currently investing heavily in health infrastructure all over the country, including the construction of five hospitals in different provinces, with an investment of approximately \$358 million, plus twenty Innovative Primary Health Care Centers, also known as MINSA-CAPSI, with an investment of about \$220 million dollars. MINSA-CAPSIs are a new model of primary-level health facilities using state of the art information and communication technology. One of the MINSA-CAPSIs that is currently in the process of being built is located in Gardi Sugdub, next to the land where the community is planning to relocate, with an investment of almost \$11.6 million dollars. The community donated the land, which totalled 22,798 square meters. The construction started on

⁴⁸ "Panama will reduce its vulnerability to natural disasters with IDB support". IADB News releases, May 31, 2012. <http://www.iadb.org/en/news/news-releases/2012-05-31/panama-less-vulnerable-to-natural-disasters,10009.html>

October 28, 2011 and was originally scheduled to be finished by January 28, 2013. Officially it is expected now to be ready by June 30, 2014. By the time of our visit, the works were visible and the size of the project very impressive. However, according to official reports from MINSA as of March 2014 the advancement of the project was still only 38.5%⁴⁹.

In Gunayala there are only two second-level health facilities. Currently Gardi Sugdub hosts one of them, which provides services to the entire Nargana *Corregimiento*, and it is staffed by 26 people: two general medical doctors, two internists, four nurses, four nurse technicians, one laboratory technician, one health promoter, and other administrative staff⁵⁰. During our visit to Gardi Sugdub, personnel of MINSA on the island expressed their frustration regarding the lack of information about the project and when and who will move to new MINSA-CAPSI and what would happen with the old building in the island. Several people in Gardi Sugdub also expressed their frustration regarding the lack of information during the implementation of the project.

According to the IADBank, the health inequalities between Panamanian provinces and the indigenous *comarcas* are alarming. In 2007, maternal mortality rates were 59.4 per 1,000 births, but in Gunayala it was 584.8 and 376.4 in the Ngabe Bugle *comarca*. Pre-natal care nationwide reached 89.5% of women, but only 64% in the case of indigenous women. Chronic malnutrition for children under the age of 5 was 19.1% nationwide, but it was 62% among indigenous children⁵¹.

2. THE PROJECTED SCHOOL COMPLEX

The Panamanian government is also currently in the process of building a very impressive school complex in Gardi Sugdub (see photo this section)⁵², which includes 41 classrooms, laboratories, a gym, cafeteria, library and dormitories for students and teachers (60 for students and 16 for teachers)⁵³ and will benefit 1,200 students⁵⁴ from Kindergarten to 9th grade. Our fact-finding mission visited the construction site and witnessed the initial work that is currently underway. According to personnel in charge of the project, the studies for the construction started in 2011, and in theory the construction should be ready by October 2014. That said, there were some delays initiating the project as a result of an environmental impact study⁵⁵. The total cost of the project is US\$10,875,000 and is being built with funds from a loan from the Inter-American Development Bank.

⁴⁹ http://www.minsa.gob.pa/sites/default/files/transparencia/avance_de_obra_de_los_proyectos_hospitales_y_minsa_capsi_marzo_31_2014e.pdf

⁵⁰ FUNPADEM et al (2012). *Proyecto Comunidades Costeras Centroamericanas y Cambio Climático. Diagnóstico ambiental, social y productivo de la comunidad Gardi Sugdub, Comarca Guna Yala, Panamá*. Unpublished document.

⁵¹ Banco Interamericano de Desarrollo (2011). *Panamá. Iniciativa salud mesoamericana 2015*. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=36757825>

⁵² Photo generously provided by architect Cecilia Amat, from the *Proyecto de Desarrollo Educativo* (Prode), an entity within the Ministry of Education (Meduca), Panama City, April 7, 2014.

⁵³ Interview with architect Cecilia Amat, Panama City, April 7, 2014.

⁵⁴ Gobierno Nacional República de Panamá. Ministerio de Economía y Finanzas. Dirección de Planificación Regional (2013). *Programas y proyectos ejecutados en las comarcas indígenas Guna Yala, Emberá Wounaan, Ngabe, Buglé, Madungandí, Wargandí, años 2007-2012*. <http://www.mef.gob.pa/es/direcciones/planificacionRegional/Documents/Comarcas%20-%20Concertacion%20Nacional%20para%20el%20Desarrollo%202013.pdf>

⁵⁵ Interview with architect Cecilia Amat, Panama City, April 7, 2014. The environmental study was submitted to the National Environmental Authority (ANAM) only on September 10, 2013.

As is the case with the regional hospital currently under construction near the school complex, this project is not part of a holistic plan to deal with the relocation of the Gardi Sugdub community. However, it is a good example of the strong investment that the Panamanian government has been making in education, and its interest, as promoted and funded by the IADB, in reducing the huge disparities in access to education and performance of children belonging to indigenous groups. In fact, during the last 15 years, the Panamanian government has been investing an average of 5% of its PIB in education, or 12% of the national budget and 25% of public social spending⁵⁶.



THE SCHOOL COMPLEX IN GARDI SUGDUB

The school complex in Gardi Sugdub is one of four school complexes in progress in indigenous *Comarcas* with funds from the IADB. According to data from the IADB in Panama 47.7% of indigenous adults living in *Comarcas* do not have any level of education, compared with only 3.5% of the non-indigenous population nationwide. On the other hand, while 23.5% of non-indigenous Panamanians have completed an education level higher than high school, it is only 2.4% for all indigenous peoples, 1.8% for indigenous women, and 1.0% for indigenous individuals living in *Comarcas*⁵⁷ (Table No 4).

⁵⁶ Inter-American Development Bank (2010). *Panamá: Espacios educativos y calidad de los aprendizajes* (PL-L1064). *Propuesta de Préstamo*. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35469014>

⁵⁷ *Idem*.

TABLE NO. 4: ADULT INDIGENOUS POPULATION IN PANAMA AND THEIR SCHOOLING LEVELS, 2008

SCHOOL LEVELS	NON INDIGENOUS	ALL INDIGENOUS	INDIGENOUS WOMEN	INDIGENOUS LIVING IN COMARCAS
None	3.5%	37.6%	47.3%	47.7%
Basic level: 1 year of preschool, six years of primary school and 3 years of middle school -ages 5 to14. (Free and mandatory)	44.2%	49.9%	45.0%	45.4%
Second level: High school (three years -ages 15-17). (Free but not mandatory)	28.8%	10.1%	5.9%	5.9%
Third level: Post-high school (three years), non-university level education and university level education	23.5%	2.4%	1.8%	1.0%

Source: Inter-American Development Bank (2010). *Panamá: Espacios educativos y calidad de los aprendizajes (PL-L1064). Propuesta de Préstamo*. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35469014>

Primary school enrolment is 100% nationwide, including indigenous peoples living in *comarcas*. However, school enrolment is only 67% for middle school and 24% for high school nationwide. For indigenous peoples living in *comarcas*, the enrolment is even worse, with only 33% enrolment for middle school and only 10% for high school. Retention rates show a very significant disparity as well. Retention rates nationwide are 88% for primary school, 56% for middle school, and 34% for high school. In indigenous *comarcas* the situation is alarming, as there is only a 48% retention rate for primary school, 22% for middle school and only 4% for high school⁵⁸.

TABLE NO. 5: EDUCATIONAL INDICATORS: NATIONAL AVERAGE VS. INDIGENOUS COMARCAS, 2009

SCHOOL LEVEL	TOTAL NATIONWIDE		INDIGENOUS PEOPLE LIVING IN COMARCAS	
	Enrolment	Retention	Enrolment	Retention
Primary school: Grades K-6	100%	88%	100%	48%
Middle school: Grades 7-9	67%	56%	33%	22%
High school: Grade 10-12	24%	34%	10%	4%

Source: Inter-American Development Bank (2010). *Panamá: Espacios educativos y calidad de los aprendizajes* (PL-L1064). *Propuesta de Préstamo. Propuesta de Préstamo*. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35469014>

School infrastructure is one of the principal factors influencing students' achievements in Latin America⁵⁹ according to a 2008 study by UNESCO quoted by the IADB in the process of making the case for a strong intervention in improving school infrastructure in Panama. The reality is that school infrastructure in Panama lags behind the regional average in Central America. As a result, the Government of Panama has accepted a \$70 million dollar loan from the IADB plus an additional local investment of \$10 million dollars to improve the school infrastructure nationwide, but with a special focus on the indigenous comarcas. Besides the school currently in progress in Gardi Sugdub, the Panamanian government just announced the construction of second school complex in Gunayala, in the community of Usdub (Ustupu), with a cost of \$8,206,533 dollars, which would benefit approximately 1,050 students⁶⁰.

⁵⁹ Inter-American Development Bank (2010). Panama. *Innovation in School Infrastructure* (PN-L1072). Loan Proposal. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=36882940>

⁶⁰ Gobierno Nacional República de Panamá. Ministerio de Economía y Finanzas. Dirección de Planificación Regional (2013). *Programas y proyectos ejecutados en las comarcas indígenas Guna Yala, Emberá Wounaan, Ngabe, Buglé, Madungandi, Wargandi, años 2007-2012*. <http://www.mef.gob.pa/es/direcciones/planificacionRegional/Documents/Comarcas%20-%20Concertacion%20Nacional%20para%20el%20Desarrollo%202013.pdf>

3. THE PROJECTED HOUSING PROJECT

In 2011, the “neighborhood committee” of Gardi Sugdub approached the Ministry of Housing and requested to build some houses for their relocation. The community offered 17 hectares of land that they owned for the project. The Ministry elaborated a blueprint entitled “New Carti”⁶¹ with the idea of building the first 65 houses, which were apparently approved by the community⁶². According to the design each family would have a lot of 450 square meters (30 by 15 meters). There would only be a main street to access the projected houses, and two secondary streets without exits (Appendix, Map No. 3 and No. 4). The design also included some communal buildings such as the communal house, the “chicha” house,⁶³ a Catholic church, a small school, a supermarket and a cafeteria. The fact that a small school was included in the design is a clear sign of the lack of coordination between the ministry of housing and the ministry of education, which was projecting to build its own school in the same community.

Details of the houses to be built were not included in the blueprint that was shared with the community. Apparently the Ministry of Housing planned to follow a house model used in other projects in rural communities in Panama (see photo below). However, it is not clear if the community saw a picture of the design or elsewhere learned more specific details about it⁶⁴. The projected houses would be only 36 square meters (6 by 6 meters), with cement floors, walls made of bamboo and roofs covered with zinc. Each house would have access to water and a *biodigester* as sanitation⁶⁵. The design of the houses clearly does not take into account the cultural characteristics of traditional Guna houses, and this could lead to the failure of the entire project⁶⁶.



MODEL HOUSE PROPOSED FOR MINISTRY OF HOUSING PROJECT AT RELOCATION SITE

According to the Ministry of Housing, they originally projected that building the 65 houses would cost around \$2.4 million dollars at the beginning of 2012. The required infrastructure of the project would

⁶¹ Copies of the blueprints are included in this report. See Appendix, Map # 3 and Map #4.

⁶² Meeting with engineer Manuel Soriano, Director of Engineering and Architecture in the Ministry of Housing, Panama City, April 8, 2014.

⁶³ *Chicha* is a ceremonial beverage made of fermented corn.

⁶⁴ The photo of the sample house was generously facilitated by engineer Manuel Soriano, Director of Engineering and Architecture in the Ministry of Housing.

⁶⁵ One of the concerns of the “neighborhood committee” in Gardi Sugdub is that the *biogestor* doesn’t appear in the blueprints. Meeting with the members of the “Neighborhood Committee”, Gardi Sugdub, March 30, 2014.

⁶⁶ To see what a Guna house looks like, visit the website of the Guna General Congress, <http://www.gunayala.org.pa/Casa%20guna.09.pdf>

cost \$1.2 million and the houses themselves an additional \$1.2 million. However, as of the date of our visit to Gunayala the construction of the houses had not yet started and there was a lot of uncertainty about the future of the project. The community reported and officials from the Ministry of Housing confirmed that the Panamanian government used the resources initially allocated for the housing project in Gunayala for other emergency projects in another province which was affected by severe rain and landslides⁶⁷.

It is very concerning that the housing project has not started and there also exists the possibility that the project will never be a reality. However, the community in Gardi Sugdub is especially concerned that they will not be living on the relocation site by the time the new school complex opens. All students will have to get a boat ride everyday from Gardi Sugdub to the new school. Currently there are 550 students in the school in Gardi Sugdub⁶⁸. No one knows who will assume the cost of transportation, or who will be in charge of preparing all the necessary logistics to do that. The community is also concerned that using the services of the new hospital will also require travel either by their own means or by paying someone to take patients there.

4. PLANNED OR UNPLANNED RELOCATION?

It is in everyone's best interest to proceed with the relocation of the Gardi Sugdub community in addition to all the other communities that in Gunayala would need to be relocated without the urgency of a natural disaster, which could put an unnecessary burden on the Guna people as well as the Panamanian state. Should the relocation proceed even in the absence of a plan? We believe that an unplanned relocation should be avoided as much as possible, not by opposing the relocation of the Gardi Sugdub community, but by actively collaborating with the community on a credible and viable plan. An orderly and successful relocation of the Gardi Sugdub community could become a model for the other almost 40 Guna communities that eventually will have to relocate to the mainland in the years to come. A successful relocation of the Guna communities could become an international model for climate displaced people worldwide.

Any relocation of Guna communities would have to deal with at least three different types of challenges:

1. *Social challenges*: There is no guarantee that a relocation of the Gunas to the mainland would be successful, considering how huge the task is and the number of challenges that they will face. We believe that the need for relocating the Guna people from the islands to the mainland over the next years or decades is one of the most difficult challenges the Gunas currently face for the survival of their culture as we currently know it. Additionally, one of the main reasons that instigated the move to the islands around 150 years ago (the risk of malaria and yellow fever outbreaks) is still there waiting for them.

⁶⁷ Meeting with the members of the "Neighborhood Committee", Gardi Sugdub, March 30, 2014. Meeting with engineer Manuel Soriano, Director of Engineering and Architecture in the Ministry of Housing. Panama City, April 8, 2014.

⁶⁸ Interview with Professor Francisco Gonzalez, Principal at Olinibiginya School in Gardi Sugdub. Gardi Sugdub, March 30, 2014.

2. *Environmental challenges:* There is no guarantee that a massive relocation of Gunas to the mainland would allow the preservation of their forest and rich biodiversity. A massive relocation to the mainland would create a significant challenge for the survival of all the natural resources located in Gunayala, which have been protected and sustainably used by the Guna people over the past several centuries.
3. *Economic challenges:* The local economy in Gunayala is rapidly moving from a subsistence economy to an economy of services, mainly tourism. There is no guarantee that a relocation of the Gunas to the mainland would allow the development of new sources of income to provide the necessary livelihood for everyone, or even that tourism could be consolidated as an important source of income to the region.

VI. LAND AND PROPERTY RIGHTS ISSUES IN GUNAYALA

Having a clear picture of land and property issues in Gunayala is key to understanding whether or not the relocation of Gardi Sugdub and potentially other Guna communities could work. In this section we will explain in detail the law and practice regarding this topic.

Gunayala is the territory of the Guna people, as recognized by the government of Panama after the Tule Revolution of 1925. A special regime for the entire region (then San Blas *Comarca*) was established first in 1938, but more clearly by Law No. 16, 1953, that for the first time recognized the existence of the Guna General Congress, the local congresses, and the traditional authorities⁶⁹. It is fair to say that since then, the Gunas of Gunayala have enjoyed a legal and *de facto* autonomy. In addition to the legal recognition mentioned above, the Guna autonomy is also *de facto* in the sense that it has not been completely recognized by the Panamanian constitution or law. In other words, the understanding of the scope and depth of autonomy by the Gunas in practice goes far beyond what has been formally recognized by law. The Gunas have been successful so far in the fight regarding the meaning of their autonomy in practice, making their case very unique in Latin America. Historically the Gunas have challenged the validity of the restrictive legal framework that purports to regulate their territory. The most direct and symbolic way of challenging that legal framework has been through the creation of their own parallel legal framework. As a result, since the 1990s the Gunas have had a Fundamental Law that regulates the region, and a Statute that develops it in further detail⁷⁰.

The most effective way that the Gunas have exercised their autonomy has been by maintaining undisputed control of Gunayala's territory for almost 90 years, a reality that in practice has been accepted by successive Panamanian governments. However, the Gunas of Gunayala do not see themselves as an independent state, or even a state within the Panamanian state. On the contrary, they see Gunayala as a "special political division of the Republic of Panama". As a result, the Gunayala Fundamental Law states that "the [Panamanian] state should recognize, guarantee, and respect the law of the special autonomous region of Gunayala, and its right to hold, use, develop and control their own territory and its resources that hold as a result of its historical and ancestral ownership" (Art. 3).

Regarding property issues, Article 241 of the Gunayala Statute states the following: "The Kuna practice of property is classified as *comarca*, communal, group, familiar and individual". However, neither the Gunayala Fundamental Law nor the Gunayala Statute provides a specific definition of each type of property. However, there are several articles in both laws that provide some clues, in addition to the practice of the Gunas themselves, as detailed in the table below. The fact that there is a complete absence of demarcation of land or any type of land registry makes the entire issue potentially complicated⁷¹.

⁶⁹ Valiente López, Aresio (editor) (2002). *Derecho de los Pueblos Indígenas de Panamá*. San José: OIT-CEALP.

⁷⁰ In a very symbolic but clear way, Article 100 of the Gunayala Fundamental Law states: "This law repeals Law No. 16 of February 19, 1953, and any other provisions contrary to it, and shall become effective upon its promulgation". Onmaggeddummagan de Gunayala (2013). *Gunayar Igardummadwala (Ley Fundamental de Gunayala)*. <http://www.gunayala.org.pa/Ley%20Fundamental.sept.2013.pdf>

⁷¹ According to Martínez Mauri, "The Kunas mark their farms by planting a fruit tree of great size, such as a mango tree, at each end". Martínez Mauri (2011a). *Op cit*. Page 69.

TYPE OF PROPERTY	MEANING OF EACH TYPE OF PROPERTY
1. "Comarcal" property	<p>This term refers to at least three things:</p> <p>1) It is the territory of comarca Gunayala collectively owned by the Guna people. "The lands [in the territory of Gunayala] are unalienable, unseizable and untransferable, therefore may not be alienated or leased under any title in a permanent way" (Article 33, Gunayala Fundamental Law). "The lands [in the territory of Gunayala] are collectively owned by the Guna people; its acquisition, holding, use, and enjoyment will be according to the Gunas' laws and practices" (Article 34, Gunayala Fundamental Law). "The territory of the Kuna Yala Comarca is collectively owned by the Kuna people and cannot be sold or leased under any kind of title"(Art. 210 of the Gunayala Statute).</p> <p>2) At the same time, it refers to the land under direct administration by the Guna General Congress, typically the forested area located in the highest parts of the San Blas cordillera. "Renewable and non-renewable resources and all the biodiversity in the Kuna Yala comarca is part of the heritage of the Kuna people as such. Corresponds to it, though its General Congress, acting in a coordinated manner, seek ways of recovery, protection, rational use and production thereof" (Art. 190 of the Gunayala Statute).</p> <p>3) Finally, it refers to lands in the corregimiento of Puerto Obaldia that are considered part of Gunayala's territory, but that are currently inhabited by non-Guna people. "Lands located in border areas, such as Nusagandi, Gangandi and others next to them, the islands of Gaigirkordup, Piderdup, Uerurdup and similar ones; farms such as Nulubnadi or where the Guna General Congress invest resources would be considered property of the Guna General Congress and as such cannot be used under any title without the unequivocal permission and agreement of the General Congress" (Art. 231 of the Gunayala Statute). Finally, there is an explicit recognition of a type of use of some comarcal property located in the towns of Puerto Obaldia, La Miel and surrounding areas, that according to Art. 237 of the Gunayala Statute, "could usufruct the lands that they possess, but without the possibility to assign them under any title, except for the Guna people or their family members with a direct kinship". Art. 238 adds: "The Guna General Congress may use the land within the district of Puerto Obaldia, La Miel and surroundings when the needs of the Comarca so require".</p>
2. Communal property	<p>This term refers to the property owned by each of the 49 local communities. Typically it refers to the land located close to a specific community. Article 226 of the Gunayala Statute establishes that, "According to their internal rules, the local congresses could assign the use of some pieces of their own land to non-Kunas, given the potential benefits that it could bring to the communities. However, those lands would continue to be property for collective use as it is stipulated in Kuna rules. This article could be used only for possible assignments that the communities may make for the construction of health centers, aqueducts, churches, schools or any other type of center to benefit the community". This is what the community in Gardi Sugdub has done to build the health center and the school complex already mentioned in this report.</p>
3. Group property (associations or special groups)	<p>This refers to the property "owned" by communal associations or groups of people who have organized to work the land and have been authorized by the local congress to usufruct a specific piece of land¹.</p>

TYPE OF PROPERTY	MEANING OF EACH TYPE OF PROPERTY
4. Family property	Refers to the property "owned" by each Guna family. In practice it is a type of usufruct in the hands of a family group. It is common in Gunayala that some families have the "ownership" of an entire small island, generally used to grow coconut trees, and more recently used for tourism purposes.
5. Individual property	This refers to the property "owned" by a Guna individual. Land can be bought and sold, and rented between Kunas. In practice it is a type of usufruct in the hands of an individual Guna.



RESIDENTS OF THE ISLAND
HAVE BUILT SEA WALLS WITH
CORAL TO PROTECT THEIR
HOMES FROM THE RISING SEA.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



FOR SOME ISLANDS IT IS
ALREADY TOO LATE.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala (San Blas)



VII. LEGAL AND INSTITUTIONAL APPROACHES TO CLIMATE CHANGE AND RISK MANAGEMENT IN PANAMA

In this section we will explain in detail the legal and institutional frameworks created by the Panamanian government during the last couple of decades to address climate change and risk management issues. Having a clear picture of these frameworks can help us understand how Panama is getting prepared (or not), to deal with those complicated issues, and how they could be used during the relocation of Gardi Sugdub and other Guna communities in Gunayala.

Panama signed the United Nations Framework Convention on Climate Change (UNFCCC) on March 18, 1993 and ratified it on May 23, 1995. As we will see in this section, Panama has a well-developed legal and institutional framework to deal with climate change related issues. At the same time it has been complying with its commitments under the UNFCCC. Additionally, Panama has an established legal and institutional risk management framework and has been following through on its commitments under the Hyogo Framework for Action 2005-2015.

1. CLIMATE CHANGE MANAGEMENT FRAMEWORK

Article 5 of the General Environmental Law (Law No. 41 of 1998) established that the National Authority of the Environment (ANAM) is the governing body on issues related to natural resources and the environment. ANAM replaced the former National Institute of Renewable Natural Resources (INRENARE) and as such was assigned as the focal point to the UNFCCC.

Once created, ANAM developed the first Environmental National Strategy, which was considered at that point as “the main effort of integrating sectorial and regional planning actions relevant to environmental issues”⁷². In 1998, ANAM also formulated the National Program of Climate Change (PNCC) with financial support from the Global Environmental Facility (GEF) through the United Nations Development Program (UNDP)⁷³. According to the first national communication to the UN Climate Change Secretariat, “The PNCC has managed to increase general awareness and knowledge on the topic of global climate change; in addition, it has strengthened dialogue and exchange of information

⁷² ANAM (2000). *Primera Comunicación Nacional sobre Cambio Climático*. Page 22. <http://unfccc.int/resource/docs/natc/pannc1/index.html>

⁷³ *Ibid.* Page 23.

and cooperation between all relevant support, including governmental, non-governmental, academic and private institutions”⁷⁴. The first national communication concludes that the PNCC “is a first step in the process of incorporating the issue of global climate change in national development planning”⁷⁵.

However, it was not until Decree No. 35, from February 26, 2007 that Panama officially formulated a Climate Change National Policy. It had as a general objective to “properly manage at the national level the issue of climate change and the effects it might have on the population and the territory”⁷⁶. It also stated five specific objectives at different levels:

1. *Institutional level*: “To develop coordinating mechanisms of intervention strategies through which the public sector and civil society could contribute to the fulfillment of the agreements made by the Panamanian government regarding climate change”⁷⁷.
2. *Environmental management level*: “To promote actions on adaptation to climate change in ways that the protection of the population and the fight against poverty, the conservation and restoration of natural resources and the preservation of ecosystems are all compatible”⁷⁸.
3. *Legal level*: “To promote action on mitigation of climate change so that economic activities are compatible with sustainable economic and social development (...)”⁷⁹.
4. *Citizen participation level*: “To promote awareness and citizen participation, so that key stakeholders are involved in the different processes related to the management of climate change (...)”⁸⁰.
5. *Training, research and productive efficiency level*: “Strengthen institutional capacity in both infrastructure and access to current knowledge and scientific resources between different actors related to climate change, allowing the country to address its effects”⁸¹.

The Climate Change National Policy allowed the strengthening of the Climate Change Technical Unit at ANAM, as the technical branch in charge of implementing actions regarding vulnerability, adaptation and mitigation of climate change⁸². Later, Executive Decree No. 1, from January 9, 2009 created the Panamanian Climate Change National Committee (CONACCP) to support ANAM in the implementation and follow-up of the Climate Change National Policy⁸³. This committee originally had representatives of 17 different organizations and institutions from the public sector⁸⁴, but it has recently expanded to 27⁸⁵.

⁷⁴ *Ibid.* Page 24.

⁷⁵ *Ibid.* Page 124.

⁷⁶ Decree No. 35, from February 26, 2007. Art. 1 (2)(1).

⁷⁷ Decree No. 35, from February 26, 2007. Art. 1 (2)(2)(1).

⁷⁸ Decree No. 35, from February 26, 2007. Art. 1 (2)(2)(2).

⁷⁹ Decree No. 35, from February 26, 2007. Art. 1 (2)(2)(3).

⁸⁰ Decree No. 35, from February 26, 2007. Art. 1 (2)(2)(4).

⁸¹ Decree No. 35, from February 26, 2007. Art. 1 (2)(2)(5).

⁸² ANAM (2011). *Panama, Segunda Comunicación Nacional ante la Convención Marco de las Naciones Unidas sobre el Cambio Climático*. During our fact-finding mission to Panama we requested a meeting with the Climate Change Technical Unit at ANAM but their busy schedules made it impossible.

⁸³ Executive Decree No. 1, from January 9, 2009. Art. 1.

⁸⁴ Executive Decree No. 1, from January 9, 2009. Art. 2.

⁸⁵ Executive Decree No. 52, from January 29, 2013. Art. 1.

2. NATIONAL COMMUNICATIONS SUBMITTED TO THE UN CLIMATE CHANGE SECRETARIAT

State parties to the UNFCCC must submit reports on implementation of the Convention. So far Panama has submitted two National Communications, the first in 2000 and the second in 2011.

1. *First National Communication:* The first national communication represented the first stage in the process to incorporate the topic of climate change in Panama's national planning. It was also the first time that the country measured its contribution towards global warming and its main sources. Regarding the state of the institutional framework at that time, the first national communications were very candid. According to the report, "The protection of the national climate system has been based on scattered regulations, in addition to the existence of an institutional weakness as a result of a lack of clarity about administrative jurisdiction and the lack of human and financial resources. These limitations have not enabled proper implementation of the existing environmental policies to solve the basic problems associated with the ecological systems"⁸⁶.
2. *Second National Communication:* The depth, scope and quality of Panama's second national communication, submitted in 2011, were significantly better than in the first one. The second report is a very comprehensive document that clearly shows how mature the climate change issue has become at an institutional level in Panama. The document has three major contributions: 1) reduces the uncertainty in the estimate made about the contribution of land use, land-use change and forestry sector to the global warming process, in comparison with what was reported in the First National Communication; 2) formulates a national mitigation strategy; and 3) proposes strategic lines of action to address climate change⁸⁷.

3. RISK MANAGEMENT FRAMEWORK

Since 2005 Panama has developed a robust risk management framework with the creation of the National System of Civil Protection (SINAPROC) and the adoption of a National Platform and National Plans for Disaster Risk Reduction. Additionally, at the end of 2010 Panama adopted a National Policy for Comprehensive Disaster Risk Management. All those positive developments have been a direct result of the global process initiated by the World Conference on Disaster Reduction held in Hyogo, Japan in January 2005, and specifically by the Hyogo Framework for Action 2005-2015⁸⁸, in which Panama has been an active participant willing to seriously fulfill its commitments⁸⁹.

1. *The National System of Civil Protection:* Law No. 7, from February 14, 2005, created the National System of Civil Protection (SINAPROC), as an entity that is part of the Ministry of Government and

⁸⁶ ANAM (2000). *Primera Comunicación Nacional sobre Cambio Climático*. Page 20. <http://unfccc.int/resource/docs/natc/pannc1/index.html>

⁸⁷ ANAM (2011). *Panama, Segunda Comunicación Nacional ante la Convención Marco de las Naciones Unidas sobre el Cambio Climático*.

⁸⁸ World Conference on Disaster Reduction (2005). *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters*. 18-22 January 2005, Kobe, Hyogo, Japan. <http://www.unisdr.org/2005/wcdr/intergover/official-doc/L-docs/Hyogo-framework-for-action-english.pdf>

⁸⁹ Meeting with Frida Domínguez, Director of the Academy of Civil Protection at SINAPROC, Jorge Rodríguez, Deputy Director of the Academy, and Juan Carlos Rivas, Director International Technical Cooperation at SINAPROC. Panama City, April 8, 2014.

Justice⁹⁰, and is in charge of attending events of disaster⁹¹, but at the same time “should pay special attention to take measures to prevent disasters and forecast risks”⁹². SINAPROC has the following main functions⁹³: i) Compile and keep an information system to plan strategies and measures for risk management and civil protection; ii) Promote a national plan of risk management; iii) Develop strategies and plans to reduce vulnerabilities and improve risk management; iv) Develop plans and actions to strengthen and improve response capabilities and humanitarian assistance; v) Promote educational programs, analysis, research and technical and scientific information about natural and anthropogenic threats; vi) Promote plans and the adoption of regulations regarding security and civic protection nationwide; vii) Create manuals and emergency plans in case of natural or anthropogenic disasters.

SINAPROC hosts three organs⁹⁴: i) The Center for Emergency Operations (COE), the entity in charge of the coordination of all the responses during emergencies at the regional and local level; ii) the Central American and Caribbean Academy of Civil Protection in charge of technical and specialized training in risk reduction and disaster relief for the entire region; iii) The National Volunteer Corps, which is comprised of the people who execute prevention plans and disaster relief operations.

Executive Decree No. 177, from April 30, 2008 stipulated the specific functions of SINAPROC and reiterates that it is the main authority during disasters or emergencies and that it is in charge of the execution of actions and regulations towards the removal or reduction of the impact of disasters on human life and commodities. SINAPROC is also in charge of the development of the National Platform for Disaster Risk Reduction⁹⁵ and the National Policy for Comprehensive Disaster Risk Management⁹⁶.

2. *The National Platform for Disaster Risk Reduction (PNRRD)*: The PNRRD was first created in 2005 in response to the commitments that the Panamanian government made under the Hyogo Action Plan and as a way to facilitate the necessary multi-sectorial coordination in disaster risk reduction⁹⁷. However, it was not until the Executive Decree No. 41, from January 25, 2013, that the PNRRD formally had a regulatory framework, which unified in this entity the focal point for several regional and international initiatives in the area of disaster risk reduction. The PNRRD is headed by SINAPROC⁹⁸ and integrates governmental entities, civil society organizations, the private sector and NGOs⁹⁹, initially totalling 43 organizations¹⁰⁰. As a new measure, it also calls for the creation of a multi-sectoral platform at the level of local government and that of indigenous peoples¹⁰¹. As a result, the PNRRD is now in charge of the National Plan, the Central American Plan, and the Hyogo Action Plan for disaster risk reduction¹⁰².

⁹⁰ Law No. 7, from February 14, 2005. Art. 1.

⁹¹ Law No. 7, from February 14, 2005. Art. 6.

⁹² Law No. 7, from February 14, 2005. Art. 8.

⁹³ Law No. 7, from February 14, 2005. Art. 5.

⁹⁴ Law No. 7, from February 14, 2005. Art. 21.

⁹⁵ Executive Decree No. 177, from April 30, 2008. Art. 32.

⁹⁶ Executive Decree No. 177, from April 30, 2008. Art. 31.

⁹⁷ Sanahuja, Haris E. (2011). *Panamá: Diagnóstico de la vulnerabilidad al impacto de amenazas naturales*. Banco Inter-Americano de Desarrollo.

⁹⁸ Executive Decree No. 41, from January 25, 2013, Art. 4.

⁹⁹ Executive Decree No. 41, from January 25, 2013, Art. 5.

¹⁰⁰ Executive Decree No. 41, from January 25, 2013, Art. 6.

¹⁰¹ Executive Decree No. 41, from January 25, 2013, Art. 8.

¹⁰² Executive Decree No. 41, from January 25, 2013, Art. 3.

3. *The National Policy for Comprehensive Disaster Risk Management (PNGIRD)*: Executive Decree 1,101 from December 30, 2011 established the PNGIRD and identified five axes for risk management and assigned roles and responsibilities to several of the institutions that are part of SINAPROC. The five axes of PNGIRD are the following:

- I. *Disaster risk reduction in investment for sustainable economic development*: This refers to four different actions that will be the responsibility of the Ministry of Economy and Finances. First, accounting for the level of exposure to the risk of disaster of any given public investment, with the idea of looking for ways to reduce and control it, as well as avoiding the creation of additional risks. Second, the adoption of a set of financial actions to diversify and transfer risks, strengthen the resilience of economic and productive actors and be financially prepared to respond to a disaster and a reconstruction process if necessary. Third, the valuing of losses as a result of natural disasters. Finally, the promotion of public investment in risk management.
- II. *Development and social compensation to reduce vulnerability*: The policy on this topic refers to three things. First, the creation and promotion of a culture of risk prevention under the umbrella of the Ministry of Education and other relevant actors. Second, the promotion of comprehensive disaster risk management in the policies and strategies of human settlement and territorial planning at the Ministry of Housing and Territorial Planning (MIVIOT). Interestingly, the document mentions that MIVIOT and ANAM “should promote a national policy of territorial planning with a focus on risk management and climate change”. Finally, it also refers to the commitment of the Panamanian state to investment in basic social infrastructure with risk management criteria.
- III. *Environment and climate change*: The policy aims to develop and promote a new culture regarding the risk associated with the extreme effects of climate change and the urgent need for adaptation and mitigation actions in the management of natural resources. It also aims to adopt a risk management approach regarding climate change.
- IV. *Territorial management, governability and governance*: The policy aims to strengthen local capabilities regarding risk management, with the participation of civil society. Additionally, the policy looks to promote empowerment, institutional development and planning capabilities in local authorities to deal with risk management in large and middle-sized cities in Panama.
- V. *Disaster and recovery management*: The policy on this topic includes three areas. First, the standardization of information management and evaluation of damage. Second, the adoption of the paradigm of recovery and reconstruction with transformation. As a result, the institutions in charge of a recovery effort should guarantee the implementation of sustainable mechanisms. Finally, SINAPROAC would be the national coordinator in case of disaster, through its Center for Emergency Operations.

4. *The National Plan for Disaster Risk Management (PNGRD)*: The National Platform has formulated several national plans, the latest one for the period 2011-2015. The plan identifies the priority actions in disaster risk reduction, based on the axes defined by the National Policy¹⁰³. The National Plan is an operating planning tool that allows the setting of specific actions to reach certain objectives and goals. The National Platform sets out bi-annual progress reports about the implementation of the plan. The latest progress report corresponds to the period 2010-2012¹⁰⁴.

On Displacement Solutions' fact-finding visit we had the opportunity to meet with some officials from SINAPROC¹⁰⁵ and with the National Directorate of Environment Education and Risk Management at the Ministry of Education¹⁰⁶, and we were very impressed by their knowledge and commitment to prepare and protect the Panamanian people in the event of any natural disaster, despite the magnitude of their mission and the lack of resources with which they operate daily. An evaluation of how the risk management framework in Panama operates in practice it is far beyond the scope of this document. Panama is one of the Latin American countries that have taken risk reduction management seriously, but there is obviously still a long way to go to be fully prepared.¹⁰⁷

It seems that in less than a decade Panama has established a very impressive legal and institutional framework for disaster risk reduction and management and SINAPROC has gained well-deserved public recognition. However, not surprisingly its interventions still need to reach their full potential at the local level, where a lot of work still needs to be done. This is especially true in indigenous comarcas and specifically in Gunayala where SINAPROC still has not intervened, even in risk reduction actions¹⁰⁸. However, this lack of intervention in some indigenous *comarcas* is not necessarily a lack of interest by SINAPROC, but mostly a lack of resources, logistical difficulties to reach those areas, and perhaps even enough interest and commitment at the local level as well. For instance, the National Coordinator for Indigenous Peoples (*Coordinadora Nacional de Pueblos Indígenas* –COONAPIP), an umbrella organization for the different Panamanian indigenous groups, is a member of the National Platform but it has never sent a representative to participate in this multi-sectorial entity¹⁰⁹. A lot needs to be done to make meaningful interventions in Gunayala and create a local culture that values prevention and risk reduction and management.

¹⁰³ Plataforma Nacional de Gestión Integral de Riesgos de Desastres (2013). *Plan Nacional de Gestión de Riesgos. Informe de Avances 2011-2013*.

¹⁰⁴ *Ibid.*

¹⁰⁵ Meeting with Frida Domínguez, Director of the Academy of Civil Protection at SINAPROC, Jorge Rodríguez, Deputy Director of the Academy, and Juan Carlos Rivas, Director International Technical Cooperation at SINAPROC. Panama City, April 8, 2014.

¹⁰⁶ Meeting with Adilia de Perez, National Director of Environmental Education and Risk Management at the Ministry of Education (MEDUCA), and Enriqueta de Gracia, Risk Management Coordinator at MEDUCA. Panama City, April 7, 2014. The Ministry of Education has been involved in risk management issues for more than a decade through the National Directorate of Environmental Education and Risk Management. In fact, the Office of Environmental Education and Risk Management was originally created by Executive Decree No. 161 from July 17, 1990. Then, Law No. 10, from June 24, 1992 declared "(...) environmental education as a strategy for conservation and sustainable development of natural resources and preservation of the environment" (Law No. 10, from June 24, 1992. Art. 1). It also established that the Ministry of Education should promote, regulate and supervise the execution of environmental programs at all levels in public and private schools nationwide (Law No. 10, from June 24, 1992. Art. 6). Since 1995 the former Office of Environmental Education and Risk Management became a National Directorate with regional offices in all the provinces and comarcas and it is involved in risk management activities. The regional office in Gunayala is located in Uggubseni (Playón Chico).

¹⁰⁷ In addition, Panama currently hosts the Latin American offices of the United Nations Office for Disaster Risk Reduction (UNISDR) and will host the Regional Logistic Center for Humanitarian Assistance in the Americas, which would include the United Nations Humanitarian Response Depot (UNHRD), to be administrated by the World Food Program. See <http://www.unisdr.org/americas>, and <http://www.wfp.org/logistics/humanitarian-response-depot>.

¹⁰⁸ Meeting with Frida Domínguez, Director of the Academy of Civil Protection at SINAPROC, Jorge Rodríguez, Deputy Director of the Academy, and Juan Carlos Rivas, Director International Technical Cooperation at SINAPROC. Panama City, April 8, 2014.

¹⁰⁹ *Ibid.*

VIII. LESSONS LEARNED BY DISPLACEMENT SOLUTIONS AND THEIR APPLICATION IN GUNAYALA

For over five years now, *Displacement Solutions* has been working on the topic of climate change and displacement, and has been deeply involved with climate change displaced communities in several places worldwide, such as Bangladesh, Fiji, Kiribati, Papua New Guinea (The Carteret Islands), Tuvalu, and now Gunayala, Panama. Four major general lessons could be extracted from our involvement that could be helpful in the evaluation of new situations and finding solutions to current ones.

1. *The importance of land*: For *Displacement Solutions*, land is at the core of solutions to climate displacement since “it will be land that ultimately is at the center of most policies designed to address the consequences of climate displacement; people will lose land and will need new land to start their lives over”¹¹⁰. For that very reason the first lesson could be summarized in this way: “In the end, solving climate displacement will inevitably be about land”.
2. *The central role of the affected community*: For *Displacement Solutions*, climate displaced communities play a vital role in any relocation process. At least two main aspects should be highlighted. The first has to do with the organization of the affected communities themselves. Organized communities affected by climate change are typically the ones that have been able to orchestrate the first steps of a resettlement plan¹¹¹. The second aspect is related to the fact that many of the places affected by climate change around the world are still ruled by customary laws. Organized local communities have the potential to manage and find practical and effective solutions for land issues by making their own internal arrangements, far from governmental offices or courts. In fact, customary land rules, “have figured very prominently in several countries as a means of assisting in resolving climate displacement”¹¹².
3. *The need for sustainable and comprehensive relocation planning*: Relocation is one of the most difficult endeavours any community or individual can experience, even if there is land available and there is an organized community. Displacement Solutions has already said that “experience has shown time and again that successful relocation is anything but a certainty.” Displacement Solutions learned very early on that “the mere provision of a new house and garden is never sufficient to restore the lives and livelihoods lost as a result of involuntary resettlement”¹¹³. As a

¹¹⁰ Leckie, Scott (2013). *Finding Land Solutions to Climate Displacement: A Challenge Like Few Others*. Displacement Solutions. Page 65.

¹¹¹ Displacement Solutions (2009). “Climate change displaced persons and housing, land and property rights. Preliminary strategies for Rights-based Planning and Programming to Resolve Climate-induced Displacement”. Leckie, Scott, et al (2012). *Climate Change and Displacement Reader*. New York: Routledge.

¹¹² Leckie, Scott (2013). *Op. cit.* Page 70.

¹¹³ Displacement Solutions (2009). *Op. cit.* Page 452.

result, there is a need for “sustainable relocation and the prerogative of reconstructing societies in a human rights-based way, and not simply building new houses”¹¹⁴.

4. *The mobilization of financial resources*: Finally, *Displacement Solutions* has learned that relocation caused by climate change will be expensive. As a result, “securing the rights of climate displaced persons will require public expenditure from both domestic and international sources (...) Funds needs to be urgently allocated toward adaptation measures in all of the heavily affected countries with clear earmarks for land-based solutions to climate displacement”¹¹⁵.

The following table compares lessons on displacement worldwide and how they have been addressed in the autonomous region of Gunayala.

LESSONS LEARNED BY <i>DISPLACEMENT SOLUTIONS</i>	HOW <i>DISPLACEMENT SOLUTIONS</i> ’ LESSONS HAVE BEEN ADDRESSED IN GUNAYALA’S CASE
1. The importance of land identification	Guna people are the collective owners of Gunayala. Local Guna communities also own land. In the specific case of Gardi Sugdub the community was able to make the necessary internal arrangements to have some land available for their relocation, and the building of a health center and a school complex.
2. The central role of the affected community	The community of Gardi Sugdub, which is a very organized community, has made the decision to relocate and has organized a “neighborhood committee”. The diaspora of Gardi Sugdub in Panama City has been very involved in the process. All the advancements in the relocation process so far are the direct result of the actions of the local committee and the diaspora committee.
3. The need for sustainable and comprehensive relocation planning	Not even a simple relocation plan exists. There is only an idea and a desire to relocate which is led by the Gardi Sugdub community. There has also been a series of interventions by the Panamanian government that have involved or affected the relocation site, but not as part of a relocation plan. As a result, there is an urgent need for a sustainable and comprehensive relocation plan to be completed as soon as possible. There is still time to do it right, but it has to be done urgently.
4. The mobilization of financial resources	A lot of resources have been invested in Gardi Sugdub by the Panamanian government, and through loans from the IADB, which will benefit the relocation efforts. However, no funds have been allocated nationally or internationally for a sustainable and comprehensive relocation plan for Gunayala. Financial resources are in desperate need at this time for the relocation to take place in an orderly and successful manner.

¹¹⁴ Leckie, Scott (2013). *Op. cit.* Page 72.

¹¹⁵ *Idem.* Page 2.



TYPICAL HOUSE IN
GARDI SUGDUB.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



WOMEN TRAVEL TO THE
MAINLAND FOR SUPPLIES.

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



IX. THE PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT

The 2013 *Peninsula Principles* (PP) are “a comprehensive normative framework (...) within which the rights of climate displaced persons can be addressed” (Principle 1(a)). They focus on climate displacement within a State, which is considered to be the main source of climate displaced people. The PP are based on three main sources: 1) the principles of international law; 2) human rights obligations; and 3) good practices. The PP “set out protection and assistance principles, consistent with the UN Guiding Principles on Internal Displacement, to be applied to climate displaced persons” (Principle 1(a)).

The PP are the result of the work of a group of legal scholars, UN officials and climate change experts that met in Red Hill on the Mornington Peninsula in Victoria, Australia, and adopted them on August 18, 2013. The PP were drafted under the umbrella of *Displacement Solutions* and the leadership of its director, Scott Leckie. The PP follows the successful experience of the *Pinheiro Principles* regarding the restitution rights of housing, land and property of people displaced as a result of armed conflicts within states, that is now the legal framework adopted by the United Nations on this topic. It is hoped that a creative use of the PP by communities affected by climate change worldwide as well as advocates, governments and intergovernmental agencies could make it the basis framework on this topic and that it will soon become officially adopted by the United Nations¹¹⁶.

1. BASIC DEFINITIONS AND MAIN PRINCIPLES

The PP contain four basic definitions (Principle 2):

1. *Climate change*: “means the alteration in the composition of the global atmosphere that is in addition to natural variability over comparable time periods”.
2. *Climate displacement*: “means the movement of people within a State due to the effects of climate change, including sudden and slow-onset environmental events and processes, occurring either alone or in combination with other factors”.
3. *Climate displaced person*: “means individuals, households or communities who are facing or experiencing climate displacement”.
4. *Relocation*: “means the voluntary, planned and coordinated movement of climate displaced persons within States to suitable locations, away from risk-prone areas, where they can enjoy the

¹¹⁶ *Displacement Solutions'* fact-finding mission to Gunayala, March-April 2014, where the PP were presented to two Guna communities (Gardi Sugdub and Mandi Ubigandub) was the first time that the PP were publicly introduced to climate displaced persons at the grassroots level. Printed copies of the PP and summaries in Spanish were distributed during the visit. The Guna people were very interested and eager to learn more about the PP and their rights regarding this topic that affects them first-hand.

full spectrum of rights including, land and property and livelihood rights and all other livelihood and related rights”.

There are three main principles that guide the PP. The first is the principle of non-discrimination, which states that people cannot be discriminated against based on their real or potential displacement situation and should enjoy the same rights and liberties as the rest of the citizens in the country. The second is the principle of having access to adequate judicial resources and access to the judicial system if needed. The third is that the PP should not create a limitation or alteration of rights currently recognized by local and international law. The PP invites states to interpret them in a broad way, guided by a humanitarian purpose.

2. THE RIGHTS OF CLIMATE DISPLACED PERSONS

The PP make a very important distinction between people who could be displaced and people who are already suffering displacement for climate reasons. However, the PP use the term “climate displaced persons” to define both groups since they are subjects of rights and protection under international law and the PP themselves. This distinction is very important because people who could be displaced would have rights from the moment in which they feel their health, life or environment threatened as a result of climate change. To be considered a climate displaced person, an individual doesn’t have to be currently displaced, but the threat of displacement immediately triggers the protection. This is the current case of the Guna people in Panama. As we write this report the Guna people have not yet been displaced, but they have been threatened on a regular basis as a result of the rise in sea level and weather-related events that exacerbate their current vulnerability. As a result, the Gunas should already be considered as climate displaced persons for the protective purposes of the PP.

The PP also make reference to the fact that a majority of climate displaced persons are not responsible for the processes that originated climate change. This is a very important issue to be addressed and clarified in the case of Gunayala. It has been documented that in the process of fighting for land against the ocean, the Gunas have been using live coral to build barriers around the islands. For years the Gunas have infilled to expand the surface of the islands, as they try to preserve the current size of their tiny islands or expand them to take care of their growing population needs. Unfortunately this practice has exacerbated their vulnerability, as the coral reef acts as a natural barrier against storms and sea tides. However, as negative as this practice might be, it doesn’t make the Gunas responsible for climate change, or for the rise of sea levels, as some people have suggested. Little by little the Gunas have been learning that corals are not stones, but living organisms that need to be cared for. As a result, the Guna General Congress, as the main authority in Gunayala, have been promoting a change in this practice and have designated some areas as protected, where coral cannot be removed. It is expected that over the years as the Guna communities relocate to the mainland this practice could be eliminated entirely allowing the coral to regenerate over time.

Two very specific rights of climate displaced persons are mentioned by the PP:

1. *The right to remain in their homes as long as possible:* One of the recitals in the Preamble of the PP states: “REAFFIRMING the right of climate displaced persons to remain in their homes and retain connections to the land on which they live for as long as possible, and the need for States to prioritise appropriate mitigation, adaptation and other preventative measures to give effect to that right”.

Based on our experience in the field this is a very important right to keep in mind, since the threat of rising sea levels is a gradual phenomenon, which is exacerbated by weather related events during certain times of the year. During our visit to Panama we heard some claims that if the Gunas are relocated they should leave their islands immediately and entirely. One person who mentioned this possibility felt that if the Gunas were to relocate they should not end up living in two different places at the same time as it would be an abuse of the generosity of Panamanian taxpayers who eventually would pay for the relocation¹¹⁷. The Gunas are planning to do exactly that, and the PP backs this plan¹¹⁸.

2. *The right to move safely and relocate over time:* Another of the recitals in the Preamble of the PP states: “REAFFIRMING further the right of those who may be displaced to move safely and to relocate within their national borders over time”. This is another right that needs to be elaborated further since it could potentially be contentious. During our visit to Gunayala we learned that some communities such as the Mandi Ubgigandub, have decided that they will not yet relocate, but they will wait to see how long they can stay there and how the relocation of the Gardi Sugdub community goes.

In the spirit of the PP it is up to each community to decide when to relocate, as long as it is not an imminent risk to their lives and health. It should be stated clearly that climate change displaced people will not lose their rights to be relocated, nor the support from the national government or the international community, as a result of the simple fact that their decision to relocate may take longer than other communities. As the Gunayala case shows, relocation is a very difficult decision for many communities, especially when they are deeply rooted to the place where they have been living for centuries, and even if they have a safe place where they could be relocated.

¹¹⁷ Interview with Héctor Guzmán, Panama City, April 7, 2014.

¹¹⁸ During our interview with the “neighborhood committee” it was mentioned that each family would have two houses, one on the island and the other on the mainland. They would use the islands to fish, and if there were any risks, they could move to the mainland. Meeting with members of the “Neighborhood Committee”. Gardi Sugdub, March 30, 2014.

3. THE OBLIGATIONS OF STATES REGARDING CLIMATE DISPLACED PERSONS

The PP recognize that many states who wish to address and respond to the climate displacement issue are presented with financial, logistical, political and other difficulties. However, considering that climate change is a global problem, all states, at the request of the affected state, should provide support to put into place mitigation, adaptation, relocation and all protective measures needed to provide assistance to climate displaced people. It is the right of affected states to seek cooperation and assistance from other states (Principle 8(d)). At the same time, those states that are not capable of preventing and responding to climate displacement in an adequate way should accept assistance and support from other states and international agencies (Principle 8(d)). The PP mention the following general obligations of states:

3. Prevent and avoid conditions that might lead to climate displacement (*Principle 5*).
4. Provide adaptation assistance, protection and other measures to ensure that climate displaced persons can remain in their places of habitual residence for as long as possible (*Principle 6(a)*).
5. Cooperate in the provision of adaptation assistance and protection for climate displaced persons (*Principle 8(a)*).
6. Ensure protection against climate displacement (*Principle 6(b)*).
7. Demonstrate sensitivity to climate displaced persons who are particularly dependent and attached to their land, including indigenous peoples (*Principle 6(b)*).
8. Include in their legislation and national policies references to the prevention of climate displacement, assistance and protection, as established by the PP (*Principle 7(a)*).
9. Establish and provide adequate resources at all levels of government to implement the PP (*Principle 7(b)*).
10. Develop, establish and implement an institutional framework to support the provision of assistance and protection of climate displaced persons (*Principle 13(a)(ii)*).
11. Ensure that durable solutions to climate displacement are adequately addressed by legislation and administrative measures (*Principle 7(c)*).
12. Ensure the right of every person to adequate, timely and effective participation in all stages of policy development and implementation of the PP, ensuring such participation by indigenous peoples and other marginalized groups and people (*Principle 7(d)*).
13. Develop appropriate laws and policies for loss suffered and damage incurred in the context of climate displacement (*Principle 12*).
14. Implement and disseminate the PP in collaboration with civil society groups and others (*Principle 18*).

4. OBLIGATIONS OF STATES DURING THE DIFFERENT STAGES OF THE CLIMATE DISPLACEMENT PROCESS

The PP identify three different stages during the climate displacement process. The first is the preparation and planning stage. The second is the displacement and post-displacement stage. The third stage is return, in cases where this is possible. In this section we will look more closely at the state of preparation and planning that is the current stage in Gunayala. Then we will briefly summarize the other two stages.

1. PREPARATION AND PLANNING STAGE

In the table below we will show in detail the different elements included in this stage under the PP and assess whether the Panamanian government or the Guna people (given their autonomous status) have taken any specific actions in preparation for the relocation of the Gardi Sugdub community and others.

OBLIGATIONS OF STATES	HAS THE PANAMANIAN GOVERNMENT TAKEN ANY ACTION(S)?	HAS THE GUNA GENERAL CONGRESS OR THE LOCAL COMMUNITY IN GARDI SUGDUB TAKEN ANY ACTION(S)?
Obligations regarding climate displacement risk management, monitoring, and modeling:		
1. Identify, design and implement risk management strategies (Principle 9(a)).	None	None
2. Undertake systematic observation and monitoring of, and disaggregated data collection on current and anticipated climate displacement (Principle 9(b)).	None	None
3. Enhance sharing, access to and the use of such data, and facilitate the assessment and management of climate displacement (Principle 9(c)).	None	None
4. Model likely climate displacement scenarios, including: i) timeframes and financial implications; ii) locations threatened; iii) possible relocation sites (Principle 9(d)).	None	Yes, the Gardi Sugdub community already found a relocation site
5. Integrate relocation rights, procedures and mechanisms within national laws and policies (Principle 9(e)).	None	N/A

OBLIGATIONS OF STATES	HAS THE PANAMANIAN GOVERNMENT TAKEN ANY ACTION(S)?	HAS THE GUNA GENERAL CONGRESS OR THE LOCAL COMMUNITY IN GARDI SUGDUB TAKEN ANY ACTION(S)?
6. Develop institutional frameworks, procedures and mechanisms that: i) identify indicators that will clarify where, at what point in time, and for whom, relocation will be required; ii) require and facilitate governmental technical assistance and funding; iii) outline steps individuals, households and communities can take prior to climate displacement in order to receive such support (Principle 9(f)).	None	None
Obligations to enable successful preparation and planning for climate displacement		
1. Ensure that priority consideration is given to request for relocation (Principle 10(a)).	The Ministry of Housing has given some attention to the relocation request of the Gardi Sugdub community. However, the resulting housing project - which was not large enough to cover the needs - has never been implemented.	Yes, the Gardi Sugdub community is working with all the inhabitants that have requested to be relocated to the mainland
2. Ensure that no relocation shall take place unless individuals, households and communities provide full and informed consent for such relocation (Principle 10(b)).	The Ministry of Housing has acted on the request of the Gardi Sugdub community	Yes, the Gardi Sugdub community has provided all the information available to the entire community
3. Only require relocation to take place without such consent in exceptional circumstances (Principle 10(c)).	N/A	N/A
4. Adopt measures that promote livelihoods, acquisition of new skills, and economic prosperity for displaced communities (Principle 10(d)).	None	None

OBLIGATIONS OF STATES	HAS THE PANAMANIAN GOVERNMENT TAKEN ANY ACTION(S)?	HAS THE GUNA GENERAL CONGRESS OR THE LOCAL COMMUNITY IN GARDI SUGDUB TAKEN ANY ACTION(S)?
5. Make certain that: i) affected displaced communities are fully informed and can actively participate in relevant decisions and the implementation of those decisions; ii) basic services, adequate and affordable housing, education and access to livelihoods will be available for climate displaced persons; iii) adequate mechanisms, safeguards and remedies are in place to prevent and resolve conflict over land and resources; iv) the rights of individuals, households and communities are protected at all the stages of the relocation process (Principle 10(e)).	None	Yes, the Gardi Sugdub community has been participating in all the relevant decisions regarding the relocation. At the same time it has tried to guarantee the first two, and in some ways, some of the last two are guided by their internal norms.
6. Prior to any relocation, prepare a master relocation plan that addresses critical matters including: i) land acquisition; ii) community preferences; iii) transitional shelter and permanent housing; iv) the preservation of existing social and cultural institutions and places of climate displaced persons; v) access to public services; vi) support needed during the transitional period; vii) family and community cohesion; viii) concerns of the host community; ix) monitoring mechanisms; and x) grievance procedures and effective remedies (Principle 10(f)).	None	At some level in Gardi Sugdub
Obligations regarding land identification, habitability and use		
1. Identify, acquire and reserve sufficient, suitable, habitable and appropriate land to provide viable and affordable land-based solution to climate displacement (Principle 11(a)(i)).	None	Yes, the Gardi Sugdub community made the necessary arrangements to have some land available as a first step in the relocation process
2. Develop fair and just land acquisition and compensation processes and appropriate land allocation programmes (Principle 11(a)(ii)).	None	Already done in Gardi Sugdub through internal arrangements in the community. However, its internal norms don't include compensation.

OBLIGATIONS OF STATES	HAS THE PANAMANIAN GOVERNMENT TAKEN ANY ACTION(S)?	HAS THE GUNA GENERAL CONGRESS OR THE LOCAL COMMUNITY IN GARDI SUGDUB TAKEN ANY ACTION(S)?
3. Plan for and develop relocation sites including new human settlements on land not risk from the effects of climate change or other natural or human hazards and, in so planning, consider the safety and environmental integrity of the new site(s), and ensure the rights of those relocated are upheld (Principle 11(a)(iii)).	None	At some level in Gardi Sugdub
4. Create and make publicly available specific, geographically appropriate, standard criteria including: i) current and future land use; ii) restrictions (including those of a customary nature or not otherwise formally codified) associated with the land and its use; iii) habitability of the land, including issues such as accessibility, availability of water, vulnerability to climate or other natural or human hazards, and use; and iv) feasibility of subsistence/agricultural use (Principle 11(b)).	None	None
5. Provide easily accessible information concerning: i) the nature and extent of the actual and potential changes to the habitability of their homes, lands and places of habitual residence, resulting from climate change, including the evidence on which such assessments are made; ii) evidence that all viable alternatives to relocate have been considered, including mitigation and adaptation measures that could be taken to enable people to remain in their homes and places of habitual residence; iii) planned efforts to assist climate displaced persons in relocation; iv) available compensation and alternative relocation options if the relocation site offered is unacceptable; v) rights under international and domestic law, in particular housing, land and property and livelihood rights (Principle 11(c)).	None	At some level the Gardi Sugdub community has done some of this
6. Include in relocation planning: i) measures to compensate climate displaced persons for lost housing, land and property and livelihood; ii) assurance that housing, land, property and livelihood rights will be met for climate displaced persons, including those who have informal rights, customary land rights or rights of customary usage, and assurances that such rights are ongoing; and iii) assurance that rights to access traditional lands and waters are maintain or similarly replicated (Principle 11(d)).	None	The Gardi Sugdub community has allowed everyone to participate

THIS COMMUNITY LEADER
BELIEVES HIS PEOPLE HAVE NO
CHOICE BUT TO RELOCATE FROM
THEIR HOMES ON YANTUP ISLAND
TO THE MAINLAND.

Image: Kadir van Lohuizen / NOOR

Location: Guna Yala





A TYPICAL SHOP IN
GARDI SUGDUB

Image: Kadir van Lohuizen / NOOR
Location: Guna Yala



1. STAGE OF DISPLACEMENT AND POST-DISPLACEMENT

The PP address two main issues regarding the displacement and post-displacement stages. First, the obligation to assist climate displaced persons who are displaced but have not been relocated (Principle 14; Principle 15(a) and Principle 16). Second, it also refers to the issue of what to do when climate displacement results in the inability of the climate displaced persons to return to their previous means of subsistence (Principle 15(b)).

2. STAGE OF RETURN

When this stage is possible the PP address four main issues:

1. The obligation of states to establish a framework for return in case displacement is temporary and return is possible and agreed to by the people affected (Principle 17(a)).
2. The obligation of states to allow climate displaced persons to return voluntarily. States should facilitate return in conditions of security and dignity, in places where original homes are in habitable condition and return does not represent a risk to their lives and means of subsistence (Principle 17(b)).
3. The obligation to allow climate displaced persons to decide about the convenience to return to their traditional location and provide all the necessary information to allow their right to circulate freely and select their residency (Principle 17(c)).
4. The obligation to provide transitory aid during the process of return until the means of subsistence and access to services are re-established (Principle 17(d)).

X. CONCLUSIONS

Approximately 150 years ago, the Guna people moved from the forest in the San Blas cordillera to the small islands where they currently live, mainly because they wanted to escape from mosquito-borne diseases on the mainland. From then until now the beautiful coral islands and the sea provided everything the Gunas needed, and they adapted their way of life and some of their traditions. Now, because of the rise in sea level due to climate change in addition to population growth, the Gunas need to start moving back to the mainland and adapt to a new environment once again. The challenges for a successful relocation to the mainland are huge:

1. The worst-case scenario for the Gardi Sugdub community and for all the communities in Gunayala is a sudden and forced permanent relocation as a result of a natural disaster. There is an urgent need to act before this occurs.
2. As we have seen in detail in this report, currently the community of Gardi Sugdub which represents only 2.8% of the total population in Gunayala, has taken the lead in the relocation process. As we have mentioned in this report, this process is a unique opportunity to be used as a pilot project for what will come later. The relocation of Gardi Sugdub and the entire Gunayala presents a major challenge in terms of planning and should be supported immediately by the Panamanian government, international financial institutions and the international community.
3. Approximately 28,000 people will eventually have to move in the next decades from the islands of Gunayala to the mainland. However, any relocation project will need to take into account and make room for a portion of the Guna diaspora that lives outside of Gunayala. This group may decide to go back to their land, and that could add around 12,000 people. As a result, we are talking about at least 40,000 people who will have to move to a mainland area that is mainly covered by forest. Currently the Ministry of Housing is planning to build only 65 houses, which is a very small portion of what is needed, and at the moment they are not projecting to do any more.
4. The Panamanian government should make sure that it makes the necessary investment in basic sanitation and public services to offer the Guna people a long term solution to their current relocation needs.
5. The problems with mosquito-related diseases on the mainland, which spurred the Gunas to move to the islands in the first place are still in existence and cannot be ignored. The relocation of the Guna people is also a challenge in terms of public health. The Panamanian government should take seriously the possibility that malaria and yellow fever outbreaks occur where the Gardi Sugdub community is planning to relocate and conduct a health impact assessment as soon as possible and take all the preventive vector management measures required on a regular basis. It is important to keep in mind that even if the relocation of the community continues to be delayed for any reason, the area will soon host a school complex including residences where some students and teachers will stay.

6. The new houses to be built at the relocation site will need to be adapted to malaria-conditions, and will also require a very special participatory housing design process in order to adapt the design of the new houses to combine the traditional design of Guna houses with the health needs required by the area. Apart from the need to avoid the Guna people being exposed to a public health risk by relocation, it will also be more expensive for the Panamanian government in the long term if they ignore this delicate matter altogether. There is a serious risk that the proposed model of housing that the Ministry of Housing is currently working with could lead to a public health disaster.
7. Despite the fact that the land in Gunayala belongs to the Guna people, as previously stated, their customary laws establish at least five different types of property among them. Finding the necessary amount of land for a relocation will require internal arrangements that could take not only time, but perhaps will be impossible in some cases. The relocation of the Guna people will therefore present challenges in terms of internal negotiations and arrangements among the Guna themselves. As a result, everything that helps the Guna people to strengthen their own institutions, governance and administrative capacity should be pursued.
8. The Panamanian government should work in collaboration with the Guna General Congress in providing the necessary training to the communities that are being and will be relocated on the mainland. The local economy in Gunayala is rapidly moving from a subsistence economy to an economy of services, mainly tourism. As the Guna communities relocate to the mainland they will need a lot of support with the development of new labor skills, in order to create new sources of income. At the same time, it should provide similar training to Guna communities located in Panama City that would like to relocate to their new settlements.
9. If the Guna authorities and institutions are weakened in the years to come, a relocation in Gunayala may not happen in an orderly and successful way, or it may not happen at all. If this is the outcome, everyone will lose. Concrete actions should be taken to create a new beginning in the relationship between the Panamanian state and the Guna people. A new social contract should be based on mutual trust and respect. The Panamanian state, as the strongest partner in the relationship, should take the first steps in this process. A good beginning would be that the Panamanian government makes sure that the most important international instruments on indigenous rights are ratified and applied, such as the International Labour Organization (ILO) Convention 169, and the United Nations Declaration on the Rights of Indigenous Peoples, among others. Panama is one of the very few countries in Latin America that has not ratified ILO Convention 169.
10. The Panamanian government should recognize that the need to relocate the Guna people from the islands to the mainland over the coming years will be one of the most difficult challenges the Guna people will face for the survival of their unique culture. At the same time the Panamanian government should also recognize that a massive relocation to the mainland will create a significant challenge for the survival of the natural resources in Gunayala which have been protected and used sustainably by the Guna people for several centuries. The relocation of the Guna people will present significant environmental challenges, given the potential environmental damage in the most well preserved forest in Panama.

11. The Inter-American Development Bank (IADB) has been leading unprecedented interventions to improve educational and health facilities in indigenous *comarcas* in Panama¹¹⁹. The size of the facilities and the ambitions of both projects deserve to be recognized. However, the IADB should look at those interventions in a more holistic way, and should incorporate the voice of the indigenous communities in those projects from the very beginning. It is not too late to do so for the interventions that the IADB is funding in Gardi Sugdub.
12. In the specific case of Gunayala the IADB should start looking immediately for ways to help develop a long-term relocation plan for all the island communities that need to be moved to the mainland. The knowledge base and financial power of the IADB should be put to use immediately in order to develop a pilot relocation project in the community of Gardi Sugdub that is as ambitious and forward-looking as their other interventions in the area. The IADB has extensive experience with housing projects in Latin American and the Caribbean. The IADB should consider taking the lead to immediately develop a pilot project to resolve the housing needs of the Guna people in Gardi Sugdub, with designs that take into account the needs and desires of the communities, but that also takes into account the health risks in the area.
13. The Panamanian government through SINAPROC should develop a special risk reduction plan for schools in Gunayala. We would like to call attention to the fact that in Gunayala basically all schools are very close to the ocean¹²⁰. During our time in Gardi Subdug, the principal of the school there mentioned that sometimes when the tide is high the water reaches the border of the school¹²¹. In Panama all schools are required to have a security plan for the short, medium and long term, and every year two evacuation simulations are organized in selected schools nationwide¹²². However, the implementation of the simulation is always a challenge. For instance, during 2012 six schools in Gunayala were selected to participate in the simulation. In the end the simulation only took place in two schools “because the other schools were celebrating other scheduled activities that coincided with the dates selected [for the simulation]”¹²³. In addition, during the simulation, one of the two outboard motors that were used failed¹²⁴. It is important to mention that the regional office of MEDUCA owns the two outboard motors, but does not have its own boat¹²⁵. The school in Gardi Sugdub owns two boats that are used to transport students that live in nearby islands¹²⁶.

Throughout this report, we have referred to two main reasons for the consideration being given by communities in Gunayala to relocate - the rise of sea levels and the lack of space on the islands as a result of population growth over several decades. Is one reason more important than the other? It appeared to the fact-finding mission that lack of space is the most immediate reason that people in Gardi Sugdub (and perhaps in all Gunayala) see as the most pressing, as it affects their everyday life. The rise of sea levels is an imminent threat which is magnified during a few months of the year (typically November and December),

¹¹⁹ These are in addition to their project to provide solar panels to every community in Gunayala.

¹²⁰ Interview with Professor Francisco González, principal of school in Gardi Sugdub. Gardi Sugdub, March 30, 2014.

¹²¹ *Idem*.

¹²² Díaz, Ernesto (2012). “Informe anual de la Coordinación Regional de Educación Ambiental y Gestión de Riesgos de Kuna Yala -2012”. MEDUCA. Unpublished document.

¹²³ *Idem*.

¹²⁴ One of the recommendations of the Gunayala’s regional coordinator in its annual report from 2012 is very indicative of some of the problems at the local level, and the lack of understanding at the central level about the complexities at the local level. The recommendation state: “To Make the different National Departments of MEDUCA understand that our region of Kuna Yala is a special and hard place to reach, so it requires a lot of resources and logistical support for mobilizations, in order to perform an efficient and effective supervision”. Díaz, Ernesto (2012). *Op. cit*.

¹²⁵ *Idem*.

¹²⁶ Interview with Professor Francisco González, principal of school in Gardi Sugdub. Gardi Sugdub, March 30, 2014.

and unexpected extreme weather events anytime. However, there are also many days of the year that anyone can easily ignore that this is a problem, especially considering how ideal those islands are. We have concluded that it is of little use to focus from the outside on what is the most pressing reason for relocation, as ultimately both reasons are equally true and valid, and it is a combination of factors that makes relocation a necessity.

Given that our visit to Gunayala was a fact-finding mission on behalf of an organization that focuses on climate displacement, that is the main emphasis of this report. However, this does not mean that the space constraints on the islands are not as important or as legitimate reasons to relocate. During our time in Gunayala we also noticed that some Gunas were concerned and even debated about how to frame the reason for their need to relocate. Importantly, it appeared that there was some level of fear among some inhabitants that framing the relocation as a result of climate change could be detrimental to their interest in continuing to somehow use the islands after a relocation takes place, perhaps even staying there seasonally. There is a practical reason for that very legitimate concern, which has to do with their sources of livelihood. The Gunas cannot afford not to be allowed to use the islands to fish and as a source of income from tourism. Their entire and fragile economy and nutritional sources depend on both. The Gunas were happy to learn that the Peninsula Principles supported their right to continue using their islands after relocation takes place, as long as there is not an imminent threat to their lives.

We also learned during our fact-finding mission that the issue of climate displacement sometimes creates external false expectations or distorted truths. We were told, for instance, that from time to time some foreigner journalists come to Gunayala thinking that the islands where the Guna people live are permanently under water, and that they can get dramatic footage or pictures that literally show people living on flooded islands. We hope that the beautiful pictures from Kadir von Lohuizen that are included in this publication can help us see that the reality is a little more complex, especially considering that sea level rise is a certain but gradual event. Life goes on every day in Gunayala – but at the same time, little by little, the Gunas lose space in their fight with the sea. The magnitude and urgency of climate displacement is difficult to communicate. However, it is also clear that sensationalist approaches are never useful and are ethically questionable. As always, the truth speaks for itself, and people sympathetic to the fate of communities facing this problem worldwide can deal with the truth and still keep their interest and solidarity. We only hope that with the text and pictures of this report we have been able to provide some insights into the complexity of this issue in the magical and always surprising region of Gunayala.

XI. RECOMMENDATIONS

RECOMMENDATIONS TO THE GOVERNMENT OF PANAMA

1. Comply with the obligations set out in the 2013 Peninsula Principles on Climate Displacement to recognise and respect the rights of climate displaced persons.
2. Ratify ILO Convention 169 (1989) on Indigenous and Tribal Peoples and comply with the 2007 UN Declaration on the Rights of Indigenous Peoples to further advance recognition of and respect for the rights of the Guna people.

On preparing and planning for climate displacement

3. Acknowledge that rising sea levels are already causing climate displacement from the islands of Gunayala and urgently initiate a process to prepare, plan and respond to climate displacement in the region.
4. Use the Peninsula Principles on Climate Displacement as a guiding framework to establish institutional frameworks, procedures and mechanisms to address the problem.
5. Undertake immediate mitigation, adaptation and other preventative measures to give effect to the right of island communities threatened with climate displacement in Gunayala to remain in their homes and retain connections to the land on which they live for as long as possible.
6. Immediately establish a participatory planning process with Guna communities and organisations in Gunayala to establish a master plan for relocation that addresses critical matters such as land acquisition, adequate housing, access to education, basic services and livelihoods to ensure the long-term sustainability of the process.
7. Initiate a process to identify land for relocation in recognition of the central role that land plays in any policy designed to address the consequences of climate displacement, and clearly earmark funds for acquiring land for relocation in Gunayala from national funds allocated for climate-change adaptation measures.
8. Undertake capacity-building measures with the Guna people and their organisations, such as the Guna General Congress, to support their efforts to address climate displacement.

On the relocation project from Gardi Sugdub

9. Give urgent consideration to the request from the community of Gardi Sugdub to relocate and immediately provide adequate financial and institutional support to establish a pilot project for relocation from the island to the mainland.

10. Revive the stalled Ministry of Housing project to build the first 65 houses on the relocation site, and re-allocate the funding that was initially committed back to the project so that it may move forward. Request the Inter-American Development Bank for financial assistance for the project, if necessary.
11. Conduct further consultations with the Guna community so that the traditional design of Guna houses might be incorporated into the housing design utilised in the Ministry of Housing project.
12. Conduct a health impact assessment prior to relocation in relation to the risk of malaria and yellow fever at the relocation site, and undertake preventive vector management measures.
13. Provide training and other support programmes to develop new labour and income-generating skills for those relocating so that their access to a livelihood will not be negatively affected by the move.

RECOMMENDATIONS TO THE INTER-AMERICAN DEVELOPMENT BANK

1. Recognise that indigenous communities living on the islands of Gunayala are already affected by climate change displacement and give immediate priority to establishing programs to support these communities, particularly in the area of housing, health and education.
2. Provide support for the stalled Ministry of Housing project to build houses at the Gardi Sugdub relocation site, and for further housing projects for relocation as required.
3. Undertake capacity-building programs for the Guna leadership and their organizations in addressing the complex issues associated with climate displacement and relocation.

RECOMMENDATIONS TO THE GUNA GENERAL CONGRESS

1. Continue to prepare and plan local communities for climate displacement and relocation, including through measures such as information-sharing, disaster-preparedness, development of relocation plans, land identification, and training programs for new income-generation skills.

BIBLIOGRAPHY

- ANAM (2011). *Panama, Segunda Comunicación Nacional ante la Convención Marco de las Naciones Unidas sobre el Cambio Climático*.
- _____(2000). *Primera Comunicación Nacional sobre Cambio Climático*.
<http://unfccc.int/resource/docs/natc/pannc1/index.html>
- Andréfouet, Serge and Hector M. Guzman (2005). "Coral reef distribution, status and geomorphology-biodiversity relationship in Kuna Yala (San Blas) archipelago, Caribbean Panama. *Coral Reef*, 24: 31-42.
- Atapattu, Sumudu (2014). "Climate Change: Disappearing States, Migration and Challenges for International Law". Unpublished manuscript.
- _____(2013). "Climate Change, Indigenous Peoples and the Arctic: The Changing Horizon of International Law". *Michigan State International Law Review*. Vol.22:1. Pp. 378-408.
- Banco Interamericano de Desarrollo (2011). Panamá. Iniciativa salud mesoamericana 2015.
<http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=36757825>
- Clad, James (1984). "Conservation and Indigenous Peoples. A Study of Convergent Interest".
Cultural Survival, Winter 1984. <http://www.culturalsurvival.org/ourpublications/csq/article/conservation-and-indigenous-peoples>
- Diaz, Ernesto (2012). "Informe anual de la Coordinación Regional de Educación Ambiental y Gestión de Riesgos de Kuna Yala -2012". MEDUCA. Unpublished document.
- Displacement Solutions (2012). *Climate Displacement in Bangladesh. The Need for Urgent Housing, Land and Property (HLP) Rights Solutions*.
- _____(2009). "Climate change displaced persons and housing, land and property rights. Preliminary strategies for Rights-based Planning and Programming to Resolve Climate-induced Displacement". Leckie, Scott, *et al* (2012). *Climate Change and Displacement Reader*. New York: Routledge.
- Fernandez, Mario (2002). "Daños, efectos y amenazas de tsunamis en América Central". *Revista Geológica Centromericana*, 26: 71-83.
- FUNPADEM *et al* (2012). *Proyecto Comunidades Costeras Centroamericanas y Cambio Climático. Diagnóstico ambiental, social y productivo de la comunidad Gardi Sugdub, Comarca Guna Yala, Panamá*. Unpublished document.

- Gobierno Nacional República de Panamá. Ministerio de Economía y Finanzas. Dirección de Planificación Regional (2013). *Programas y proyectos ejecutados en las comarcas indígenas Guna Yala, Emberá Wounaan, Ngabe, Buglé, Madungandí, Wargandí, años 2007-2012*. <http://www.mef.gob.pa/es/direcciones/planificacionRegional/Documents/Comarcas%20-%20Concertacion%20Nacional%20para%20el%20Desarrollo%202013.pdf>
- Howe, James (2002). "The Kuna of Panama: Continuing Threats to Land and Autonomy". The *Politics of Ethnicity: Indigenous Peoples in Latin American States*. Edited by David Maybury-Lewis. The David Rockefeller Center Series of Latin American Studies, Harvard University. Pp. 81-105.
- ____ (1995). "La lucha por la tierra en la costa de San Blas (Panamá), 1900-1930". *Mesoamérica*, 29. Pp. 57-76.
- Hurtado, Lisbeth *et al* (2014). "When climate change couples social neglect: malaria dynamics in Panama. *Emerging Microbes and Infections*, 3. <http://www.nature.com/emi/journal/v3/n4/pdf/emi201427a.pdf>
- Inter-American Development Bank (2010). *Panamá: Espacios educativos y calidad de los aprendizajes* (PL-L1064). *Propuesta de Préstamo*. <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=35469014>
- Kervran, David Dumoulin and Christian Gros (2010). "Conflictos de inversiones en territorios indígenas: el turismo en la Comarca Kuna Yala de Panamá". *Desarrollo con identidad? Gobernanza económica en pueblos indígenas: siete estudios de caso*. Christian Gros and Jean Fuyer (ed.). http://halshs.archives-ouvertes.fr/docs/00/68/02/28/PDF/Kuna_Yala_9_G_F_7_Dumoulin-Gros.pdf
- Leckie, Scott (2013). *Finding Land Solutions to Climate Displacement: A Challenge Like Few Others*. Displacement Solutions.
- Leckie, Scott, et al (2012). *Climate Change and Displacement Reader*. New York: Routledge.
- Martínez Mauri, Mónica (2011a). *Kuna Yala, tierra de mar. Ecología y territorio indígena en Panamá*. Quito: Ediciones Abya-Yala.
- ____ (2011b). *La autonomía indígena en Panamá. La experiencias del pueblo Kuna (Siglos XVI-XXI)*. Quito: Ediciones Abya-Yala.
- Onmaggeddummagan de Gunayala (2013). *Gunayar Igardummadwala (Ley Fundamental de Gunayala)*. <http://www.gunayala.org.pa/Ley%20Fundamental.sept.2013.pdf>
- Pérez Archibold, Juan (1998). "Autonomía kuna y estado panameño". *Autonomías étnicas y Estados nacionales*. Coordinadores: Miguel A. Batolomé and Alicia M. Barabas. Mexico City: Instituto Nacional de Antropología e Historia. Pp. 243-274.

Plataforma Nacional de Gestión Integral de Riesgos de Desastres (2013). *Plan Nacional de Gestión de Riesgos. Informe de Avances 2011-2013*.

Price, Kayla (2005). *Kuna or Guna?: The Linguistic, Social and Political Implications of Developing a Standard Orthography*. Master Thesis. University of Texas at Austin. <http://www.binal.ac.pa/panal/downloads/kunawriting.pdf>

Sanahuja, Haris E. (2011). *Panamá: Diagnóstico de la vulnerabilidad al impacto de amenazas naturales*. Banco Inter-Americano de Desarrollo.

Solis, Rogeliano (2013). *Case Study. Free, Prior and Informed Consent: The Guna Case, In the Context of Its Autonomy*. Conservation International.

The Peninsula Principles on Climate Displacement Within States. 18 August 2013. Displacement Solutions.

United Nations General Assembly. Human Rights Council (2012). *Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox*. A/HRC/22/43.

____ (2011) Resolution adopted by the Human Rights Council 18/22. Human Rights and Climate Change. A/HRC/RES/18/22.

____ (2009). *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*. A/HRC/10/61.

____ (2008). Resolution adopted by the Human Rights Council 7/23. *Human Rights and Climate Change*.

United Nations Human Rights Office of the High Commissioner-UNEP (2012). *Human Rights and the Environment. Rio + 20: Joint Report OHCHR and UNEP*.

Valiente López, Aresio (compilador) (2002). *Derecho de los Pueblos Indígenas de Panamá*. San José: OIT-CEALP.

Ventocilla, Jorge, et al (1995). "Los indígenas kunas y la conservación ambiental". *Mesoamérica*, 29. Pp. 95-124.

World Conference on Disaster Reduction (2005). *Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters*. 18-22 January 2005, Kobe, Hyogo, Japan. <http://www.unisdr.org/2005/wcdr/intergover/official-doc/L-docs/Hyogo-framework-for-action-english.pdf>

APPENDIX

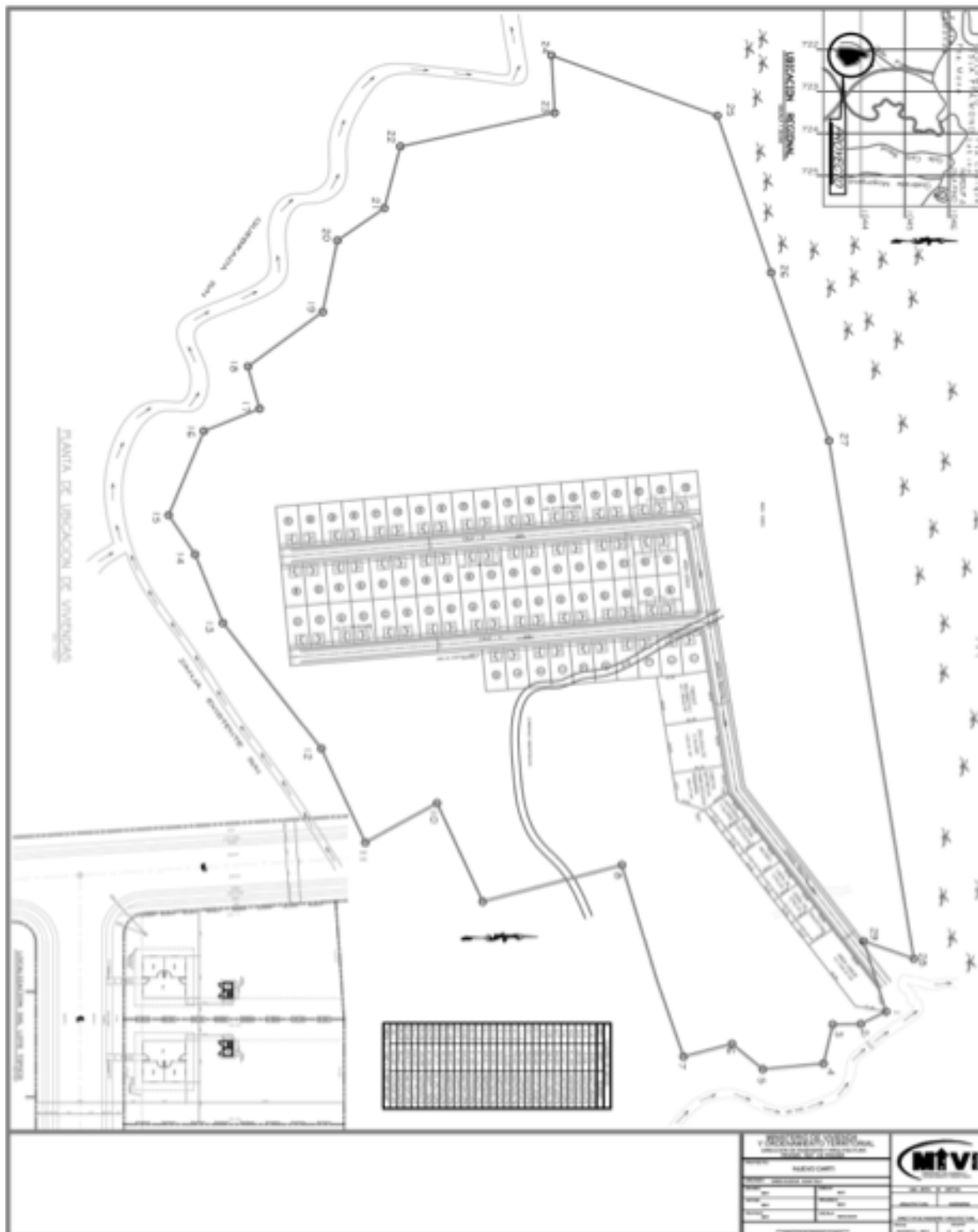
MAP NO. 1: MAP OF PANAMA. GUNAYALA IS MARKED IN RED



MAP NO. 2: GUNAYALA'S CORREGIMIENTOS



70



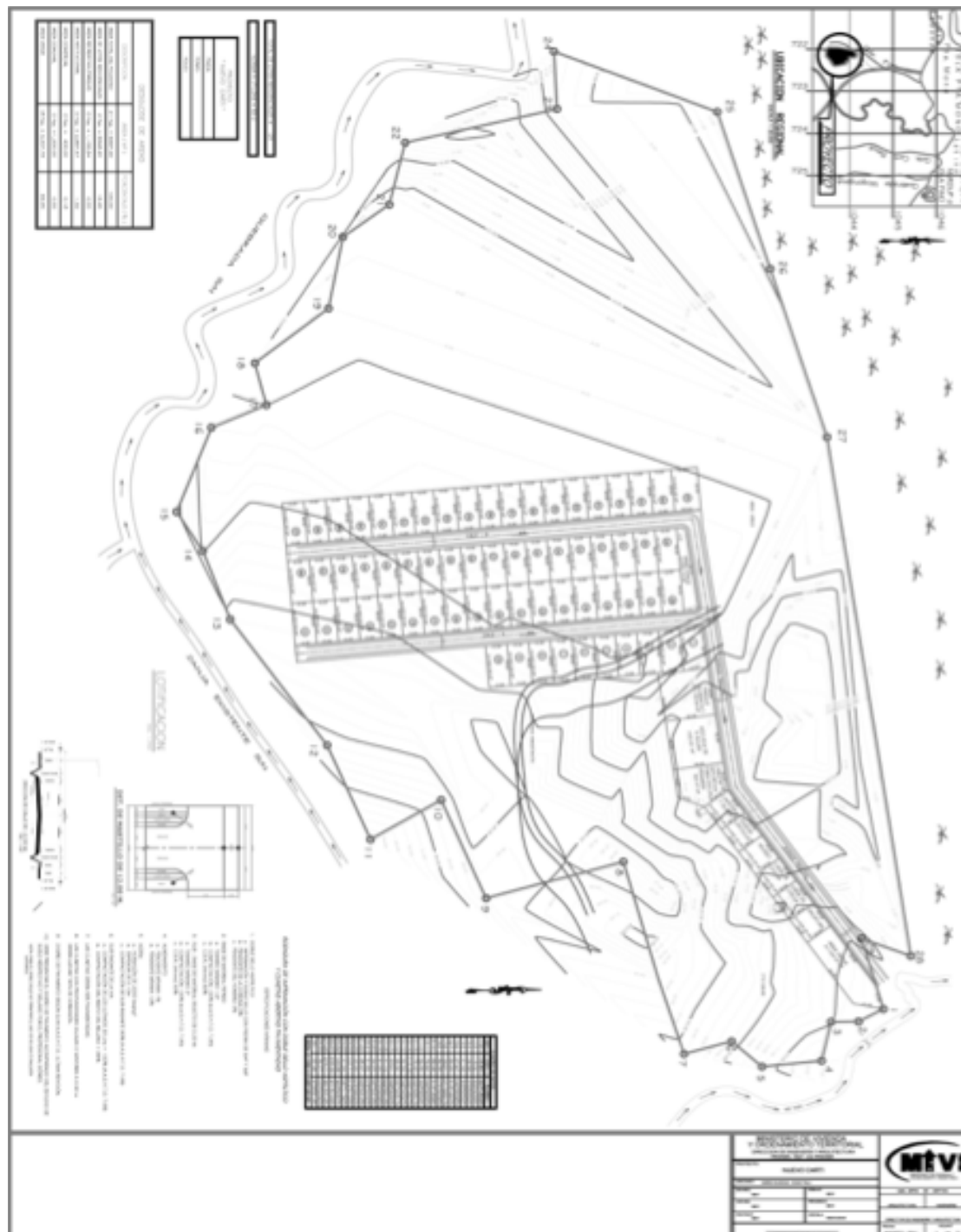


TABLE NO. 1: INDIGENOUS GROUPS IN PANAMA

Indigenous group	Number of people	Percentage
Guna	80,526	19.28%
Ngabe	260,058	62.28%
Buglé	24,912	5.97%
Teribe/Naso	4,046	0.97%
Bokota	1,959	0.47%
Emberá	31,284	7.49%
Wounaan	7,279	1.74%
Bri Bri	1,068	0.26%
Other	460	0.11%
No specified	5,967	1.43%
TOTAL	417,559	100.00%

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>

TABLE NO. 2: GUNA'S 49 COMMUNITIES, BY SECTOR, POPULATION, NUMBER OF HOUSES AND AVERAGE NUMBER OF PEOPLE LIVING PER HOUSE.

#	Name used by 2010 Census	New Guna writing	# Sector	Population	%	# Houses	Average people living per house
1	ACUATUPU (ISLA PIEDRA)	Aggwadub	1	424	1.28%	59	7.19
2	ARRIDUB (ISLA IGUANA)	Arridub	1	332	1.00%	51	6.51
3	CARTI MULATUPU	Gardi Muladub	1	502	1.52%	78	6.44
4	CARTI SUGTUPU	GARDI SUGDUB	1	927	2.80%	145	6.39
5	CARTI YANTUPU (ISLA PUERCO DE MONTE)	GARDI YANDUB	1	265	0.80%	49	5.41
6	AKUANUSATUPU (CORAZON DE JESUS)	Aggwanusadub	1	574	1.73%	95	6.04
7	CORBISKI	Gorbisggi	1	266	0.80%	38	7.00
8	ISLA NUEVO MAMITUPU	Gardi Mamidub	1	189	0.57%	29	6.52
9	ISLA TIGRE	Digir	1	784	2.37%	101	7.76
10	MAGUEBGANDI (ACHIOTE OR ACHIOTAL)	Magebgandi	1	152	0.46%	25	6.08
11	MAMARTUPU	Mamardub	1	532	1.61%	71	7.49
12	MANDINGA UBIGANTUPU (SOLEDAD MANDINGA)	MANDI UBGIGANDUB	1	361	1.09%	55	6.56
13	MANDIYALA	MANDIYALA	1	279	0.84%	37	7.54
14	MIRIA UBIGANTUPU (SOLEDAD MIRIA)	MIRYA UBGIGANDUB	1	896	2.71%	123	7.28
15	MORMAQUETUPU (ISLA MAQUINA)	MORAGGEDUB	1	433	1.31%	56	7.73
16	NALUNEGA	NALUNEGA	1	421	1.27%	50	8.42
17	NARBAGANDUP DUMMAD (NARANJOS GRANDES)	Narvagandub Dummad	1	528	1.59%	76	6.95
18	YANTUPU (NARGANA)	YANDUB – NARGANA	1	1,215	3.67%	197	6.17
19	NARVA GANDU PIPI (NARANJOS CHICOS)	Narvagandub Bibbi	1	418	1.26%	56	7.46
20	CARTI TUPILE (NUEVO TUPILE)	gardi dubbir	1	439	1.33%	74	5.93
21	NUSATUPU (ISLA RATON)	Nusadub	1	388	1.17%	55	7.05
22	OROSTUPU (ISLA DEL ARROZ)	Orosdub	1	94	0.28%	12	7.83
23	CUEPTI (RIO AZUCAR)	Uargandub	1	444	1.34%	80	5.55
24	RÍO CANGANDI	Gangandi	1	297	0.90%	42	7.07
25	RÍO SIDRA	Urgandi	1	856	2.59%	129	6.64

#	Name used by 2010 Census	New Guna writing	# Sector	Population	%	# Houses	Average people living per house
26	TIKANTIQUE O NIATUPO (ISLA DEL DIABLO)	Niadub	1	772	2.33%	135	5.72
27	TUPSUIT GRANDE (ISLA AILITUPO)	Dubsuid Dummad	1	176	0.53%	25	7.04
28	WICHUB-HUALA (TRONCO DE HICACO)	Wisshubwala	1	365	1.10%	54	6.76
	SUBTOTAL SECTOR #1		1	13,329	40.26%	1,997	6.67
29	ACHUTUPU (ISLA PERRO)	Asshudub	2	1,586	4.79%	251	6.32
30	AILIGANDI (MANGLAR)	AGLIGANDI	2	1,408	4.25%	236	5.97
31	AIRDIRGANDI (PIEDRA DE AMOLAR)	ARDIRGANDI	2	210	0.63%	32	6.56
32	IRGANDI	Irgandi	2	291	0.88%	41	7.10
33	MAMITUPU (ISLA MAMEY)	Mamidub	2	1,020	3.08%	137	7.45
34	OGOBSUCUM (ENSENADA DE COCO)	OGOBSUGGUN	2	1,562	4.72%	198	7.89
35	UKUPSENI (PLAYON CHICO)	Uggubseni	2	1,849	5.58%	274	6.75
36	UKUPA (PLAYON GRANDE)	Ugguba	2	304	0.92%	37	8.22
37	KANIR-DUP (SAN IGNACIO DE TUPILE OR ISLA GALLINA)	Gannirdub	2	1,192	3.60%	200	5.96
38	USTUPU (ISLA CONEJO PINTADO O ÑEQUE)	USDUB	2	2,180	6.58%	317	6.88
	SUBTOTAL SECTOR #2			11,602	35.04%	1,723	6.73
39	ANACHUCUNA	Assuemullu	3	436	1.32%	59	7.39
40	ARMILA	ARMILA	3	637	1.92%	79	8.06
41	YANCIR DIVAR (CARRETO)	Yansibdiwar	3	553	1.67%	70	7.90
42	COETUPU (ISLA VENADO)	Goedub	3	856	2.59%	103	8.31
43	ISLA PINO	Dubbag	3	250	0.76%	37	6.76
44	MANSUCUM	MAMSUGGUN	3	563	1.70%	83	6.78
45	MULATUPU	MULADUB	3	906	2.74%	154	5.88
46	NABADUB (ISLA CUBA)	Nubadub	3	249	0.75%	37	6.73
47	NAVAGANDI	Navagandi	3	496	1.50%	66	7.52
48	SASARDI	SASARDI MULADUB	3	748	2.26%	122	6.13
49	TUBUALA	Dubwala	3	877	2.65%	142	6.18
	SUBTOTAL SECTOR #3			6,571	19.85%	952	6.90
	TOTAL			31,502	95.15%	4,672	6.74

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>. The new Guna writing we were generously assisted by Irik Limnio, director of the Instituto para el desarrollo integral de Kuna Yala (IDIKY).

TABLE NO. 3: OTHER INHABITED PLACES IN GUNAYALA THAT BELONG TO ANOTHER COMMUNITY, OR THAT ARE NOT CONSIDERED GUNA COMMUNITIES

#	NAME USED BY 2010 CENSUS	NEW GUNA WRITING	# Sector	# Population	%	# Houses	Average people living per house
1	ACHUDUO BIPI (ISLA PERRO CHICO)	Asshudub bibbi	1	7	0.02%	1	7.00
2	ACHUDUP DUMMAD (ISLA PERRO GRANDE)	Asshudub dummad	1	2	0.01%	1	2.00
3	ARRITUPU (ISLA IGUANA)	Arridub	1	5	0.02%	1	5.00
4	BANEDUP DUMMAD (ISLA TIJERETA GRANDE)	Banedub dummad	1	4	0.01%	1	4.00
5	CAGANDUP	Gagabdub	1	5	0.02%	1	5.00
6	DIADUP (ISLA POZO)	Diadub	1	2	0.01%	0	N/A
7	DIATUPU (ISLA POZO OR CAYOS HOLANDESES)	Diadub	1	42	0.13%	4	10.50
8	ELOGUADUP	Elogwadub	1	12	0.04%	2	6.00
9	GORGIDUP No.2 (ISLA PELICANO)	Gorgidub	1	2	0.01%	1	2.00
10	ACHOERDUP (ISLA ANZUELO)	Asshuerdub	1	11	0.03%	1	11.00
11	SADUGUA (ISLA COIBITA)	Sadugwa	1	92	0.28%	14	6.57
12	CARTI ICODUPU (ISLA HUESO DE AGUJA)	Gardi iggodub	1	4	0.01%	3	1.33
13	ISLA PULPO	Gigirdub	1	8	0.02%	1	8.00
14	NADUP (ISLA SAPO)	Nadub	1	14	0.04%	3	4.67
15	KUANIDUP	Gwanidub	1	13	0.04%	2	6.50
16	MIRIA DIADUP	Mirya diadub	1	4	0.01%	1	4.00
17	MORBEDUPU (CAMBOMBIA)	Morbedub	1	21	0.06%	2	10.50
18	NARBAGANDUP BIPI (NARANJO CHICO)	Narvagandub bibbi	1	124	0.37%	13	9.54
19	NIADUP	Niadub	1	5	0.02%	1	5.00
20	NIAGALUBIR	Niagalubir	1	2	0.01%	1	2.00
21	NUGARACHUERDUP	Nugarasshuerdub	1	3	0.01%	1	3.00
22	NUGNUDUP	Nugnudub	1	15	0.05%	1	15.00
23	NUGNUGTUPU	Nugnudub	1	34	0.10%	5	6.80
24	NURDUP (ISLA PINO)	Nurdub	1	25	0.08%	6	4.17
25	OGOBSIPUDUP (ISLA COCO BLANCO)	Ogobsibudub	1	45	0.14%	4	11.25
26	SINDUP (ISLA PUERCO)	Sindub	1	9	0.03%	1	9.00
27	SUG WINGUADUP	Suggwigandub	1	19	0.06%	7	2.71
28	TOBOROCUA (TUPSUI CHIQUITITO)	Duborogwa	1	22	0.07%	4	5.50

#	NAME USED BY 2010 CENSUS	NEW GUNA WRITING	# Sector	# Population	%	# Houses	Average people living per house
29	TUBUALA No.1	Dubwala	1	23	0.07%	4	5.75
30	TUPSUIT CHICO	Dubsuid bibbi	1	88	0.27%	14	6.29
31	UKUPTUPU	Uggubdub	1	5	0.02%	1	5.00
32	WAGSAILADUP	Wagsagladub	1	9	0.03%	4	2.25
33	WAGSAILATUPU (GUAISAILADUP OR CAYOS PELO LATINO)	Wagsagladub	1	14	0.04%	2	7.00
34	WAYLIDUP	Wailidub	1	1	0.00%	0	N/A
35	WICHUB BIPI	Wishub Bibbi	1	9	0.03%	2	4.50
36	WICHUDUP DUMA	Wisshudub dummad	1	12	0.04%	4	3.00
37	YANSAILADUP BIPI	Yansagladub Bibbi	1	12	0.04%	1	12.00
38	YANSAILADUP DUMMAD (CACIQUE SAINO)	Yansagladub Dummad	1	7	0.02%	1	7.00
	SUBTOTAL SECTOR #1			731	2.21%	116	6.30
39	WAGUITUPU (ISLA PERICO)	Wagidub	2	39	0.12%	6	6.50
40	WICHU MULLU	Wisshumullu	2	3	0.01%	1	3.00
	SUBTOTAL SECTOR #2			42	0.13%	7	6.00
41	NUSATUPU (ISLA RATON)	Nusadub	3	54	0.16%	10	5.40
42	PERME	Perme	3	80	0.24%	13	6.15
43	SINDUP (ISLA PUERCO)	Sindub	3	28	0.08%	4	7.00
	SUBTOTAL SECTOR #3			162	0.49%	27	6.00
44	LA BOCA		4	31	0.09%	5	6.20
45	PLAYA BLANCA		4	28	0.08%	3	9.33
46	LA MIEL		4	80	0.24%	25	3.20
47	PUERTO OBALDIA	ARMALI	4	533	1.61%	142	3.75
	SUBTOTAL SECTOR #4			672	2.02%	175	3.84
	TOTAL			1,607#	4.84%	325	4.94

Source: Panama 2010 Census. <http://estadisticas.contraloria.gob.pa/Resultados2010/default.aspx>. For the new Guna writing we were generously assisted by Irik Limnio, director of the Instituto para el desarrollo integral de Kuna Yala (IDIKY).



THE PENINSULA PRINCIPLES

ON CLIMATE DISPLACEMENT WITHIN STATES

18 August 2013



THE PENINSULA PRINCIPLES

ON CLIMATE DISPLACEMENT
WITHIN STATES

18 August 2013

KIRIBATI

Image: Jocelyn Carlin

Location: Bonriki, Kiribati



CONTENTS

PREAMBLE	88
INTRODUCTION	92
Principle 1: Scope and purpose	92
Principle 2: Definitions	92
Principle 3: Non-discrimination, rights and freedoms	92
Principle 4: Interpretation	93
I. GENERAL OBLIGATIONS	
Principle 5: Prevention and avoidance	93
Principle 6: Provision of adaptation assistance, protection and other measures	93
Principle 7: National implementation measures	94
Principle 8: International cooperation and assistance	94
II. CLIMATE DISPLACEMENT PREPARATION AND PLANNING	
Principle 9: Climate displacement risk management	95
Principle 10: Participation and consent	95
Principle 11: Land identification, habitability and use	99
Principle 12: Loss and damage	100
Principle 13: Institutional frameworks to support and facilitate the provision of assistance and protection	100
III. DISPLACEMENT	
Principle 14: State assistance to those climate displaced persons experiencing displacement but who have not been relocated	101
Principle 15: Housing and livelihood	103
Principle 16: Remedies and compensation	103
IV. POST-DISPLACEMENT AND RETURN	
Principle 17: Framework for return	104
V. IMPLEMENTATION	
Principle 18: Implementation and dissemination	104

A photograph of a riverbank in Bangladesh. In the foreground, a small wooden boat is beached on a rocky shore. Two men are standing on the shore, one at the bow and one at the stern, appearing to be moving the boat. A third person is sitting inside the boat. The background shows a wide river with some distant structures and a hazy sky. Bare tree branches are visible in the upper left corner.

FISHERMEN IN BANGLADESH

Image: Kadir van Lohuizen / NOOR
Location: Khulna, Bangladesh



WELCOME TO THE PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT WITHIN STATES!

Displacement Solutions believes that the time for concerted action to prevent and resolve climate displacement is upon us, and has been for some time. In Bangladesh, Solomon Islands, Kiribati, Panama, the US state of Alaska, Myanmar, Vietnam, Tuvalu and beyond, millions of people are facing and experiencing displacement as a result of climate change. DS has seen the human face of climate displacement up close in more than a dozen such countries, and our work to draw attention to the plight of the growing number of individuals, households or communities under threat has – out of necessity – expanded considerably since we began working on these issues in 2007.

Our work in the frontline states affected by climate displacement has revealed to us time and time again that research carried out by the Intergovernmental Panel on Climate Change (IPCC) reports, the Stern Review, and many other studies on the effects of climate change – including rising sea levels, heavier floods, more frequent and severe storms, drought, and desertification – will cause large-scale population movements, if anything, are often too future-focused, for climate displacement is already happening today. The relatively new form of displacement presents an urgent problem and challenging conundrum for affected communities, governments and the broader international community.

With a view to assisting these groups to better address the climate displacement dilemmas facing them, Displacement Solutions has dedicated most of the past two years building the foundations for a new normative framework to address climate displacement within States. DS has spent countless hours reviewing the climate displacement literature; examining virtually all policy and legal documents dealing with climate displacement; travelling throughout the world to meet with government officials, academics, communities and those working in the field; and attending and presenting at climate-displacement seminars and conferences. A solid six-month period was then spent drafting, re-drafting and re-drafting again and again (there were some 30 pre-final drafts of what became the new standard) and seeking expert inputs into the text. We placed an advanced text on the DS website and asked the public for comments, many useful ones of which were received from people from all corners of the planet.

Then, in mid-August 2013, representatives from Australia, New Zealand, Bangladesh, the Netherlands, Switzerland, the United Kingdom, Germany, Egypt, Tunisia and the United States came together in Red Hill, Victoria, Australia, and shared their backgrounds and expertise in international law, human rights and refugee law, forced migration, environmental change and United Nations policy creation to strengthen, stand behind and approve what became the Peninsula Principles on Climate Displacement Within States (the ‘Principles’), which we believe is the first formal policy document of its kind in the world.

The Principles provide a comprehensive normative framework, based on principles of international law, human rights obligations and good practice, within which the rights of climate displaced persons within States can be addressed. The Principles set out protection and assistance provisions, consistent with the UN Guiding Principles on Internal Displacement (upon which they build and contextualise), to be applied to climate displaced persons.

THE FOUNDATIONS OF THE PRINCIPLES INCLUDE THE FOLLOWING:

- While climate displacement can involve both internal and cross-border displacement, most displacement will likely occur within State borders;
- Climate displaced persons have a right to remain in their homes and retain connections to the land on which they live for as long as possible;
- Those who may be displaced have a right to move safely and to relocate within their national borders over time;
- Climate displacement, if not properly planned for and managed, may give rise to tensions and instability within States;
- Because climate change is a global problem, States should (upon request by affected States), provide adequate and appropriate support for mitigation, adaptation, relocation and protection measures, and provide assistance to climate displaced persons;
- The international community has humanitarian, social, cultural, financial and security interests in addressing the problem of climate displacement in a timely, coordinated and targeted manner;
- There has been no significant coordinated response by States to address climate displacement, whether temporary or permanent in nature;
- Neither the United Nations Framework Convention on Climate Change (UNFCCC) nor its Kyoto Protocol neither contemplate nor address the issue of climate displacement; and
- There is a need for a globally applicable normative framework to provide a coherent and principled approach for the collaborative provision of pre-emptive assistance to those who may be displaced by the effects of climate change, as well as remedial assistance to those who have been so displaced, and legal protections for both.

The Principles are divided into four operative parts: (a) general obligations; (b) climate displacement preparation and planning; (c) displacement; and (d) post-displacement matters:

General obligations include those pertaining to the prevention and avoidance of conditions that might lead to climate displacement; provision of adaptation assistance and protection measures; national implementation measures; and international cooperation and assistance.

Climate displacement preparation and planning includes climate displacement risk management; participation by and consent from affected individuals, households and communities regarding such preparation and planning; land identification, habitability and use; development of laws and policies for loss suffered and damage incurred in the context of climate displacement; and development and strengthening institutional frameworks to support and facilitate the provision of assistance and protection.

Displacement comprises state-based assistance to those climate displaced persons experiencing displacement but who have not been relocated, together with housing and livelihood matters and remedies and compensation.

Post-displacement and return sets out a framework for the process of return in the event that displacement is temporary and return to homes, lands or places of habitual residence is possible.

NOW, LET'S APPLY THEM!

The Principles can now be practically applied in efforts designed to improve the prospects for climate displaced persons, households and communities. They set out a framework for the collaborative provision of pre-emptive adaptation assistance, preparation and planning – and, if necessary, relocation, together with post-displacement matters and possible return to homes – and before islands and coastlines are under water, before global warming worsens, and before glaciers melt and retreat even further than they already have.

DS is ready to work with governments, international organisations and threatened communities to assist in applying the Peninsula Principles to concrete situations where people are already facing or experiencing climate displacement. We urge all relevant actors who can make a positive difference to the lives of real or future climate displaced people to do so, for so much remains to be done; so very much.

Importantly, the Principles take the correct view that communities are expected to play a fundamental role in organising themselves and outlining their future needs with regard to any looming – or ever-present – climate displacement threat. Communities need to organize themselves, come forward with their claims, and outline what the corresponding obligations of States are, based within existing human rights laws, to protect and respect the rights of those affected by climate displacement.

We know with increasing precision where climate displacement is already taking place or will take place, who and how many people are likely to be affected, and at least some of the – often land-based – solutions required to prevent and repair climate displacement. We now, thus, find ourselves at a juncture between theory and reality, between what could be and what clearly is. The Principles provide everyone concerned about the rights of climate displaced persons, households and communities with a clear and consistent soft law basis for the practical actions required to do so.

We, therefore, call upon all international agencies, governments (both national and local), communities, climate justice advocates and ordinary citizens to look carefully at the prospect of climate displacement wherever you live or work and try to apply the Principles as part of an effective strategy to treat climate displaced persons, households and communities as the rights-holders that they so clearly are.

Let us all work together towards this realistic and worthy objective, for together we can protect the rights of climate displaced persons and resolve climate displacement the world over.



Scott Leckie,
Director and Founder – Displacement Solutions

CART SUBDUP, PANAMA

Image: Kadir van Lohuizen / NOOR

Location: Cart Subdup, Panama



PREAMBLE

Concerned that events and processes caused or exacerbated by climate change have and will continue to contribute to displacement of populations resulting in the erosion of the rights of those affected, in particular vulnerable and marginalised groups, the loss of assets, housing, land, property and livelihoods, and the further loss of cultural, customary and/or spiritual identity;

Guided by the Charter of the United Nations, and Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action;

Noting that these Peninsula Principles on Climate Displacement within States ('Peninsula Principles') build on and contextualise the United Nations Guiding Principles on Internal Displacement to climate displacement within States;

Understanding that when an activity raises threats of harm to human health, life or the environment, precautionary measures should be taken;

Cognisant that the vast majority of climate displaced persons are not responsible for the processes driving climate change;

Noting that while climate displacement can involve both internal and cross-border displacement, most climate displacement will likely occur within State borders;

Reaffirming the right of climate displaced persons to remain in their homes and retain connections to the land on which they live for as long as possible, and the need for States to prioritise appropriate mitigation, adaptation and other preventative measures to give effect to that right;

Reaffirming further the right of those who may be displaced to move safely and to relocate within their national borders over time;

Recognising that voluntary and involuntary relocation often result in the violation of human rights, impoverishment, social fragmentation and other negative consequences, and recognising the imperative to avoid such outcomes;

Noting further that climate displacement if not properly planned for and managed may give rise to tensions and instability within States;

Acknowledging that States bear the primary responsibility for their citizens and others living within their territory, but recognising that, for many States, addressing the issue of and responding to climate displacement presents financial, logistical, political, resource and other difficulties;

Convinced, that as climate change is a global problem, States should, on request by affected States, provide adequate and appropriate support for mitigation, adaptation, relocation and protection measures, and provide assistance to climate displaced persons;

Realising that the international community has humanitarian, social, cultural, financial and security interests in addressing the problem of climate displacement in a timely, coordinated and targeted manner;

Realising further that there has been no significant coordinated response by States to address climate displacement, whether temporary or permanent in nature;

Recognising that the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol neither contemplate nor address the issue of climate displacement, and that conferences and meetings of the parties to these instruments have not substantively addressed climate displacement other than in the most general of terms;

Noting, however, that paragraph 14(f) of the UNFCCC 16th session of the Convention of the Parties (COP16) Cancun Adaptation Framework refers to enhanced action on adaptation, including '[m]easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation ...';

Noting further that UNFCCC COP18 in Doha decided to establish, at UNFCCC COP19, institutional arrangements to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change as part of the Cancun Adaptation Framework;

Recognising the work being undertaken by the United Nations and other inter-governmental and non-governmental organisations to address climate displacement and related factors;

Realising the need for a globally applicable normative framework to provide a coherent and principled approach for the collaborative provision of pre-emptive assistance to those who may be displaced by the effects of climate change, as well as effective remedial assistance to those who have been so displaced, and legal protections for both;

Acknowledging the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, the Hyogo Framework for Action, the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons and other relevant standards, the incorporation of a number of their principles within these Peninsula Principles, and their application to climate displaced persons;

Acknowledging also regional initiatives addressing internal displacement such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;

Noting the work of the Nansen Initiative on disaster-induced cross-border displacement;

Noting that these Peninsula Principles, addressing climate displacement within States, necessarily complement other efforts to address cross-border displacement; and

Recognising judicial decisions and the writings of eminent jurists and experts as a source of international law, and acknowledging their importance and contribution to formulating the present Peninsula Principles;

These Peninsula Principles provide as follows:



FILLING SAND BAGS

*Image: Jocelyn Carlin
Location: Bonriki, Kiribati*





INTRODUCTION

PRINCIPLE 1: SCOPE AND PURPOSE

These Peninsula Principles:

- a. provide a comprehensive normative framework, based on principles of international law, human rights obligations and good practice, within which the rights of climate displaced persons can be addressed;
 - b. address climate displacement within a State and not cross-border climate displacement; and
 - c. set out protection and assistance principles, consistent with the UN Guiding Principles on Internal Displacement, to be applied to climate displaced persons.
-

PRINCIPLE 2: DEFINITIONS

For the purposes of these Peninsula Principles:

- a. 'Climate change' means the alteration in the composition of the global atmosphere that is in addition to natural variability over comparable time periods (as defined by the Inter-governmental Panel on Climate Change (IPCC)).
 - b. 'Climate displacement' means the movement of people within a State due to the effects of climate change, including sudden and slow-onset environmental events and processes, occurring either alone or in combination with other factors.
 - c. 'Climate displaced persons' means individuals, households or communities who are facing or experiencing climate displacement.
 - d. 'Relocation' means the voluntary, planned and coordinated movement of climate displaced persons within States to suitable locations, away from risk-prone areas, where they can enjoy the full spectrum of rights including housing, land and property and livelihood rights and all other livelihood and related rights.
-

PRINCIPLE 3: NON-DISCRIMINATION, RIGHTS AND FREEDOMS

- a. States shall not discriminate against climate displaced persons on the basis of their potential or actual displacement, and should take steps to repeal unjust or arbitrary laws and laws that otherwise discriminate against, or have a discriminatory effect on, climate displaced persons.

- b. Climate displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country, in particular housing, land and property rights.
- c. States should ensure that climate displaced persons are entitled to and supported in claiming and exercising their rights and are provided with effective remedies as well as unimpeded access to the justice system.

PRINCIPLE 4: INTERPRETATION

- a. These Peninsula Principles shall not be interpreted as limiting, altering or otherwise prejudicing rights recognised in international law, including human rights, humanitarian law and related standards, or rights consistent with those laws and standards as recognised under domestic law.
- b. States should interpret these Peninsula Principles broadly, be guided by their humanitarian purpose, and display fairness, reasonableness, generosity and flexibility in their interpretation.

I. GENERAL OBLIGATIONS

PRINCIPLE 5: PREVENTION AND AVOIDANCE

States should, in all circumstances, comply in full with their obligations under international law so as to prevent and avoid conditions that might lead to climate displacement.

PRINCIPLE 6: PROVISION OF ADAPTATION ASSISTANCE, PROTECTION AND OTHER MEASURES

- a. States should provide adaptation assistance, protection and other measures to ensure that individuals, households and communities can remain in their lands or places of habitual residence for as long as possible in a manner fully consistent with their rights.
- b. States should, in particular, ensure protection against climate displacement and demonstrate sensitivity to those individuals, households and communities within their territory who are particularly dependent on and/or attached to their land, including indigenous peoples and those reliant on customary rules relating to the use and allocation of land.

PRINCIPLE 7: NATIONAL IMPLEMENTATION MEASURES

- a. States should incorporate climate displacement prevention, assistance and protection provisions as set out in these Peninsula Principles into domestic law and policies, prioritising the prevention of displacement.
- b. States should immediately establish and provide adequate resources for equitable, timely, independent and transparent procedures, institutions and mechanisms – at all levels of government (local, regional and national) to implement these Peninsula Principles and give effect to their provisions through specially earmarked budgetary allocations and other resources to facilitate that implementation.
- c. States should ensure that durable solutions to climate displacement are adequately addressed by legislation and other administrative measures.
- d. States should ensure the right of all individuals, households and communities to adequate, timely and effective participation in all stages of policy development and implementation of these Peninsula Principles, ensuring in particular such participation by indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalised groups and people.
- e. All relevant legislation must be fully consistent with human rights laws and must in particular explicitly protect the rights of indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalised groups and people

PRINCIPLE 8: INTERNATIONAL COOPERATION AND ASSISTANCE

- a. Climate displacement is a matter of global responsibility, and States should cooperate in the provision of adaptation assistance (to the maximum of their available resources) and protection for climate displaced persons.
- b. In fulfilling their obligations to prevent and respond to climate displacement within their territory, States have the right to seek cooperation and assistance from other States and relevant international agencies.
- c. States and relevant international agencies, either separately or together, should provide such cooperation and assistance to requesting States, in particular where the requesting State is unable to adequately prevent and respond to climate displacement.
- d. States that are otherwise unable to adequately prevent and respond to climate displacement should accept appropriate assistance and support from other States and relevant international agencies, whether made individually or collectively.

II. CLIMATE DISPLACEMENT PREPARATION AND PLANNING

PRINCIPLE 9: CLIMATE DISPLACEMENT RISK MANAGEMENT

With regard to climate displacement risk management, monitoring, and modeling, States, using a rights-based approach, should:

- a. identify, design and implement risk management strategies, including risk reduction, risk transfer and risk sharing mechanisms, in relation to climate displacement;
- b. undertake systematic observation and monitoring of, and disaggregated data collection at the household, local, regional and national levels on, current and anticipated climate displacement;
- c. enhance sharing, access to and the use of such data at the household, local, regional and national levels, mindful of the need for data protection and predetermined use of data, and facilitate the assessment and management of climate displacement;
- d. model likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;
- e. integrate relocation rights, procedures and mechanisms, as defined in these Peninsula Principles, within national laws and policies; and
- f. develop institutional frameworks, procedures and mechanisms with the participation of individuals, households and communities that:
 - (i) identify indicators that will, with as much precision as possible, classify where, at what point in time, and for whom, relocation will be required as a means of providing durable solutions to those affected;
 - (ii) require and facilitate governmental technical assistance and funding; and
 - (iii) outline steps individuals, households and communities can take prior to climate displacement in order to receive such technical assistance and financial support

PRINCIPLE 10: PARTICIPATION AND CONSENT

To enable successful preparation and planning for climate displacement, States should:

- a. ensure that priority consideration is given to requests from individuals, households and communities for relocation;
- b. ensure that no relocation shall take place unless individuals, households and communities (both displaced and host) provide full and informed consent for such relocation;



CLIMATE DISPLACEMENT
GROUND ZERO:
HAN ISLAND

Image: Kadir van Lohuizen / NOOR
Location: Carteret Islands, Papua New Guinea



- c. only require relocation to take place without such consent in exceptional circumstances when necessary to protect public health and safety or when individuals, households and communities face imminent loss of life or limb;
- d. adopt measures that promote livelihoods, acquisition of new skills, and economic prosperity for both displaced and host individuals, households and communities;
- e. make certain that:
 - (i) affected individuals, households and communities (both displaced and host) are fully informed and can actively participate in relevant decisions and the implementation of those decisions, including the planning and implementation of laws, policies and programmes designed to ensure respect for and protection of housing, land and property and livelihood rights;
 - (ii) basic services, adequate and affordable housing, education and access to livelihoods (without discrimination) will be available for climate displaced persons in the host community at a standard ensuring equity between the host and relocating communities, and consistent with the basic human rights of each;
 - (iii) adequate mechanisms, safeguards and remedies are in place to prevent and resolve conflicts over land and resources; and
 - (iv) the rights of individuals, households and communities are protected at all stages of the relocation process;
- f. prior to any relocation, prepare a master relocation plan that addresses critical matters including:
 - (i) land acquisition;
 - (ii) community preferences;
 - (iii) transitional shelter and permanent housing;
 - (iv) the preservation of existing social and cultural institutions and places of climate displaced persons;
 - (v) access to public services;
 - (vi) support needed during the transitional period;
 - (vii) family and community cohesion;
 - (viii) concerns of the host community;
 - (ix) monitoring mechanisms; and
 - (x) grievance procedures and effective remedies.

PRINCIPLE 11: LAND IDENTIFICATION, HABITABILITY AND USE

- a. Recognising the importance of land in the resolution of climate displacement, States should:
 - (i) identify, acquire and reserve sufficient, suitable, habitable and appropriate public and other land to provide viable and affordable land-based solutions to climate displacement, including through a National Climate Land Bank;
 - (ii) develop fair and just land acquisition and compensation processes and appropriate land allocation programmes, with priority given to those most in need; and
 - (iii) plan for and develop relocation sites including new human settlements on land not at risk from the effects of climate change or other natural or human hazards and, in so planning, consider the safety and environmental integrity of the new site(s), and ensure that the rights of both those relocated and the communities that host them are upheld.
- b. In order to determine the habitability and feasibility of any relocation site, and to ensure that climate displaced persons being relocated and the relevant jurisdictional authority are in agreement as to the habitability of any such site, States should create and make publicly available specific, geographically appropriate, standard criteria including:
 - (i) current and future land use;
 - (ii) restrictions (including those of a customary nature or not otherwise formally codified) associated with the land and its use;
 - (iii) habitability of the land, including issues such as accessibility, availability of water, vulnerability to climate or other natural or human hazards, and use; and
 - (iv) feasibility of subsistence/agricultural use, together with mechanisms for climate displaced persons to decide to where they wish to voluntarily relocate.
- c. States should provide easily accessible information to individuals, households and communities concerning:
 - (i) the nature and extent of the actual and potential changes to the habitability of their homes, lands and places of habitual residence, resulting from climate change, including the evidence on which such assessments are made;
 - (ii) evidence that all viable alternatives to relocation have been considered, including mitigation and adaptation measures that could be taken to enable people to remain in their homes and places of habitual residence;
 - (iii) planned efforts to assist climate displaced persons in relocation;
 - (iv) available compensation and alternative relocation options if the relocation site offered is unacceptable to climate displaced persons; and
 - (v) rights under international and domestic law, in particular housing, land and property and livelihood rights.

d. States should include in relocation planning:

- (i) measures to compensate climate displaced persons for lost housing, land and property;
- (ii) assurances that housing, land, property and livelihood rights will be met for all climate displaced persons, including those who have informal land rights, customary land rights, occupancy rights or rights of customary usage, and assurances that such rights are ongoing; and
- (iii) assurances that rights to access traditional lands and waters (for example, for hunting, grazing, fishing and religious purposes) are maintained or similarly replicated.

PRINCIPLE 12: LOSS AND DAMAGE

States should develop appropriate laws and policies for loss suffered and damage incurred in the context of climate displacement.

PRINCIPLE 13: INSTITUTIONAL FRAMEWORKS TO SUPPORT AND FACILITATE THE PROVISION OF ASSISTANCE AND PROTECTION

- a. States should strengthen national capacities and capabilities to identify and address the protection and assistance needs of climate displaced persons through the establishment of effective institutional frameworks and the inclusion of climate displacement in National Adaptation Programmes of Action as appropriate.
- b. States should take all appropriate administrative, legislative and judicial measures, including the creation of adequately funded Ministries, departments, offices and/or agencies at the local (in particular), regional and national levels empowered to develop, establish and implement an institutional framework to:
 - (i) enable government technical assistance and funding to prevent, prepare for and respond to climate displacement;
 - (ii) support and facilitate the provision of assistance and protection to climate displaced persons;
 - (iii) exchange information and cooperate with indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalised groups and people.
 - (iv) represent the needs of climate displaced persons.
- c. Responsibility for establishing Ministries, departments, offices and/or agencies should lie with national governments, and such governments should consult and collaborate

with regional and local authorities, and integrate such Ministries, departments, offices and/or agencies in relevant institutional frameworks.

- d. States should ensure the provision of adequate resources (including points of contact and assistance) at all levels of government that directly address the concerns of climate displaced persons.

III. DISPLACEMENT

PRINCIPLE 14: STATE ASSISTANCE TO THOSE CLIMATE DISPLACED PERSONS EXPERIENCING DISPLACEMENT BUT WHO HAVE NOT BEEN RELOCATED

- a. States have the primary obligation to provide all necessary legal, economic, social and other forms of protection and assistance to those climate displaced persons experiencing displacement but who have not been relocated.
- b. Protection and assistance activities undertaken by States should be carried out in a manner that respects both the cultural sensitivities prevailing in the affected area and the principles of maintaining family and community cohesion.
- c. States should provide climate displaced persons experiencing displacement but who have not been relocated with a practicable level of age and gender-sensitive humanitarian assistance including, without limitation, as the context requires:
 - (i) emergency humanitarian services;
 - (ii) evacuation and temporary and effective permanent relocation;
 - (iii) medical assistance and other health services;
 - (iv) shelter;
 - (v) food;
 - (vi) potable water;
 - (vii) sanitation;
 - (viii) measures necessary for social and economic inclusion including, without limitation, anti-poverty measures, free and compulsory education, training and skills development, and work and livelihood options, and issuance and replacement of lost personal documentation; and
 - (ix) facilitation of family reunion.



A MAN GATHERS
TOGETHER REEF FISH
HE HAS CAUGHT AT
LOW TIDE

*Image: Jocelyn Carlin
Location: Bonriki, Kiribati*



PRINCIPLE 15: HOUSING AND LIVELIHOOD

- a. States should respect, protect and fulfill the right to adequate housing of climate displaced persons experiencing displacement but who have not been relocated, which includes accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and non-discriminatory access to basic services (for example, health and education).
- b. Where climate displacement results in the inability of climate displaced persons to return to previous sources of livelihood, appropriate measures should be taken to ensure such livelihoods can be continued in a sustainable manner and will not result in further displacement, and opportunities created by such measures should be available without discrimination of any kind.

PRINCIPLE 16: REMEDIES AND COMPENSATION

Climate displaced persons experiencing displacement but who have not been relocated and whose rights have been violated shall have fair and equitable access to appropriate remedies and compensation.

IV. POST-DISPLACEMENT AND RETURN


PRINCIPLE 17: FRAMEWORK FOR RETURN

- a. States should develop a framework for the process of return in the event that displacement is temporary and return to homes, lands or places of habitual residence is possible and agreed to by those affected.
- b. States should allow climate displaced persons experiencing displacement to voluntarily return to their former homes, lands or places of habitual residence, and should facilitate their effective return in safety and with dignity, in circumstances where such homes, lands or places of habitual residence are habitable and where return does not pose significant risk to life or livelihood.
- c. States should enable climate displaced persons to decide on whether to return to their homes, lands or places of habitual residence, and provide such persons with complete, objective, up-to-date and accurate information (including on physical, material and legal safety issues) necessary to exercise their right to freedom of movement and to choose their residence.
- d. States should provide transitional assistance to individuals, households and communities during the process of return until livelihoods and access to services are restored.

V. IMPLEMENTATION

PRINCIPLE 18: IMPLEMENTATION AND DISSEMINATION

States, who have the primary obligation to ensure the full enjoyment of the rights of all climate displaced persons within their territory, should implement and disseminate these Peninsula Principles without delay and cooperate closely with inter-governmental organisations, non-government organisations, practitioners, civil society, and community-based groups toward this end.



Adopted by a group of eminent jurists, text
writers, legal scholars and climate change
experts in Red Hill on the Mornington
Peninsula, Victoria, Australia on
18 August 2013.

*Designed & Produced
in Australia
by*



ARTERIA STUDIO
arteriastudio.com.au



DISPLACEMENT SOLUTIONS

RUE DES CORDIERS 14, 1207 GENEVA, SWITZERLAND
INFO@DISPLACEMENTSOLUTIONS.ORG

WWW.DISPLACEMENTSOLUTIONS.ORG



LOS PRINCIPIOS DE PENINSULA

SOBRE EL DESPLAZAMIENTO
CLIMÁTICO DENTRO DE LOS
ESTADOS

18 de Agosto del 2013



LOS PRINCIPIOS DE PENINSULA

SOBRE EL DESPLAZAMIENTO
CLIMÁTICO DENTRO DE LOS
ESTADOS

18 de Agosto del 2013



Foto: Jocelyn Carlin
Ubicación: Bonriki, Kiribati



PREÁMBULO

PREÁMBULO	115
INTRODUCCIÓN	120
Principio 1: Alcance y propósito	120
Principio 2: Definiciones	120
Principio 3: No discriminación, derechos y libertades	121
Principio 4: Interpretación	121
I. OBLIGACIONES GENERALES	
Principio 5: Prevención y evitación	122
Principio 6: Prestación de asistencia para la adaptación, protección y otras medidas	122
Principio 7: Medidas de implementación nacional	122
Principio 8: Cooperación y asistencia internacional	123
II. PREPARACIÓN Y PLANIFICACIÓN DEL DESPLAZAMIENTO CLIMÁTICO	
Principio 9: Gestión del riesgo del desplazamiento climático	126
Principio 10: Participación y consentimiento	127
Principio 11: Identificación de la tierra, habitabilidad y uso	128
Principio 12: Pérdidas y daños	131
Principio 13: Los marcos institucionales para el apoyo y el facilitamiento de la prestación de asistencia y protección	131
III. DESPLAZAMIENTO	
Principio 14: La asistencia del Estado a las personas desplazadas climáticas que experimentan desplazamiento pero que no han sido reubicadas	132
Principio 15: Vivienda y medios de subsistencia	133
Principio 16: Las recursos y las indemnizaciones	133
IV. POST- DESPLAZAMIENTO Y RETORNO	
Principio 17: Marco para el retorno	134
V. IMPLEMENTACIÓN	
Principio 18: Implementación y difusión	134



Foto: Kadir van Lohuizen / NOOR
Ubicación: Khulna, Bangladesh



Preocupados que los acontecimientos y procesos causados o exacerbados por el cambio climático tienen y seguirán contribuyendo al desplazamiento de la población derivando en la erosión de los derechos de los afectados, en particular de los grupos vulnerables y marginados, la pérdida de activos, la vivienda, la tierra, la propiedad y los medios de subsistencia, y la consecuente pérdida de la cultura y la identidad cultural, de costumbres y/o espiritual;

Guiados por la Carta de las Naciones Unidas y REAFIRMANDO la Declaración Universal de los Derechos Humanos, el Pacto Internacional de Derechos Económicos, Sociales y Culturales, el Pacto Internacional de Derechos Civiles y Políticos, así como la Declaración y el Programa de Acción de Viena;

Tomando nota de que estos Principios de Península sobre el Desplazamiento Interno dentro de los Estados ("Principios de Península) se basan en, y contextualizan los Principios Rectores de las Naciones Unidas sobre el Desplazamiento Interno al desplazamiento climático dentro de los Estados;

Entendiendo que cuando una actividad suponga una amenaza para la salud humana, la vida o el medio ambiente, se deben tomar medidas de precaución;

Reconociendo que la gran mayoría de los desplazados climáticos no son responsables de los procesos que impulsan el cambio climático;

Tomando nota de que, si bien el desplazamiento climático puede implicar tanto desplazamientos internos como transfronterizos, la mayoría del desplazamiento climático probablemente ocurrirá dentro de las fronteras del Estado;

Reafirmando el derecho de los desplazados climáticos a permanecer en sus hogares y mantener conexiones con la tierra en la que viven durante el mayor tiempo posible, y la necesidad de los Estados de dar prioridad a la mitigación adecuada, la adaptación y otras medidas preventivas para hacer efectivo ese derecho;

Reafirmando además el derecho de los que pudieran ser desplazados a moverse de manera segura y reubicarse dentro de sus fronteras nacionales a través del tiempo;

Reconociendo que la reubicación voluntaria e involuntaria a menudo resulta en la violación de los derechos humanos, el empobrecimiento, la fragmentación social y otras consecuencias negativas, y reconociendo la necesidad imperiosa de evitar tales resultados;

Tomando nota además de que el desplazamiento climático si no es adecuadamente planificado y gestionado puede dar lugar a tensiones e inestabilidad dentro de los Estados;

Reconociendo que los Estados tienen la responsabilidad primordial por sus ciudadanos y otras personas que viven en su territorio, pero reconociendo que, para muchos Estados, abordar el tema y responder al desplazamiento climático representa dificultades de tipo financiero, logístico, político, de recursos y otro;

Convencidos, que dado que el cambio climático es un problema global, los Estados deberán, a petición de los Estados afectados, proporcionar apoyo adecuado y apropiado para las medidas de mitigación, adaptación, reubicación y protección, así como prestar asistencia a los desplazados climáticos;

Reconociendo que la comunidad internacional tiene intereses humanitarios, sociales, culturales, financieros y de seguridad para hacer frente al problema del desplazamiento climático de una manera oportuna, coordinada y focalizada;

Conscientes, además, que no ha habido respuestas coordinadas significativas por parte de los Estados para hacer frente a los desplazamientos del clima, ya sea de naturaleza temporal o permanente;

Reconociendo que la Convención Marco de las Naciones Unidas sobre el Cambio Climático (CMNUCC) y su Protocolo de Kyoto no contemplan ni abordar la cuestión del desplazamiento climático, y que las conferencias y reuniones de las Partes en esos instrumentos no han abordado de manera sustantiva el desplazamiento climático a no ser en términos generales;

Tomando nota, sin embargo, que en el párrafo 14 (f) de la 16th sesión de la CMNUCC, Conferencia de las Partes (COP16) del Marco de Adaptación de Cancún se refiere a mejorar la acción sobre la adaptación, incluyendo “la adopción de medidas para mejorar el entendimiento, la coordinación y la cooperación en lo que respecta al desplazamiento, la migración y el traslado planificado como consecuencia del cambio climático...”;

Tomando nota además de que la CMNUCC COP18 en Doha decidió establecer, en la CMNUCC COP19, los arreglos institucionales para hacer frente a las pérdidas y daños asociados con los impactos del cambio climático en los países en desarrollo que son particularmente vulnerables a los efectos adversos del cambio climático, como parte del Marco de Adaptación de Cancún;

Reconociendo la labor emprendida por las Naciones Unidas y otras organizaciones intergubernamentales y no gubernamentales para hacer frente a los desplazamientos climáticos y los factores relacionados;

Conscientes de la necesidad de un marco normativo aplicable a nivel global para proporcionar un enfoque coherente y de principios para la prestación de colaboración de asistencia preventiva a los que puedan ser desplazados por los efectos del cambio climático, así como la asistencia correctiva eficaz para aquellos que han sido desplazados, y protección legales para ambos;

Reconociendo las Directrices Operacionales sobre la Protección de las Personas en Situación de Desastres Naturales del Comité Permanente Inter-Agencial (IASC), el Marco de Acción de Hyogo, los Principios de la ONU sobre Vivienda y Restitución de Bienes de Refugiados y Personas Desplazadas y otras normas pertinentes, la incorporación de varios de sus principios dentro de estos Principios de Península, y su aplicación a las personas desplazamiento climáticas;

Reconociendo también las iniciativas regionales que abordan el desplazamiento interno, tales como la Convención de la Unión Africana para la Protección y Asistencia de las Personas Desplazadas Internamente en África;

Tomando nota de la labor de la Iniciativa Nansen sobre el desplazamiento transfronterizo inducidos por desastres;

Tomando nota de que estos Principios de Península, al hacer frente al desplazamiento climático dentro de los Estados, necesariamente complementan otros esfuerzos para hacer frente a los desplazamientos transfronterizos, y

Reconociendo las decisiones judiciales y los escritos de eminentes juristas y expertos como una de las fuentes del derecho internacional, y reconociendo su importancia y contribución a la formulación de los presentes Principios de Península, estos Principios de Península sobre el Desplazamiento Climático (“Los Principios de Península”) establecen lo siguiente:



Foto: Jocelyn Carlin
Ubicación: Bonriki, Kiribati





INTRODUCCIÓN

PRINCIPIO 1: ALCANCE Y PROPÓSITO

Estos Principios de Península:

- a. proporcionan un marco normativo integral, basado en los principios del derecho internacional, las obligaciones de derechos humanos y de buenas prácticas, dentro de los cuales los derechos de las personas desplazadas climáticas pueden ser abordados; abordan el desplazamiento climático dentro de un Estado y no el desplazamiento climático transfronterizo; y
- b. establecen los principios de protección y asistencia, de conformidad con los Principios Rectores del Desplazamiento Interno de las Naciones Unidas, para ser aplicados a las personas desplazadas climáticas.

PRINCIPIO 2: DEFINICIONES

Para los efectos de estos Principios de Península:

- a. “El cambio climático” significa la alteración en la composición de la atmósfera global, que se suma a la variabilidad natural durante períodos de tiempo comparables (como lo ha definido el Panel Intergubernamental sobre el Cambio Climático (IPCC)).
- b. “desplazamiento climático” significa el movimiento de personas dentro de un Estado debido a los efectos del cambio climático, incluyendo los eventos y procesos ambientales repentinos y de evolución lenta, que se producen ya sea solo o en combinación con otros factores.
- c. “Personas desplazadas climáticas” significa los individuos, hogares o comunidades que se enfrentan o que sufren el desplazamiento climático.
- d. “Reubicación” significa el movimiento voluntario, planificado y coordinado de las personas desplazadas climáticas dentro de los Estados a lugares apropiados, lejos de zonas de riesgo, donde pueden disfrutar de toda una gama de derechos, incluyendo los derechos a la tierra y la propiedad y a los medios de subsistencia y todos los otros medios de subsistencia y derechos conexos.

PRINCIPIO 3: NO DISCRIMINACIÓN, DERECHOS Y LIBERTADES

- a. Los Estados no deben discriminar a las personas desplazadas climáticas sobre la base de su desplazamiento real o potencial, y deben tomar medidas para derogar las leyes injustas o arbitrarias y las leyes que los puedan discriminar, o que tienen un efecto discriminatorio sobre las personas desplazadas climáticas. Las personas desplazadas climáticas deberán disfrutar en condiciones de igualdad de los mismos derechos y libertades que el derecho internacional y nacional brinda a los demás habitantes del país, en particular de los derechos a la vivienda, la tierra y la propiedad.
- b. Los Estados deben garantizar que las personas desplazadas climáticas tienen el derecho y el apoyo para reclamar y ejercer sus derechos y están dotados de recursos efectivos, así como el libre acceso al sistema judicial.

PRINCIPIO 4: INTERPRETACIÓN

- a. Estos Principios de Península no se deben interpretar como una limitación, alteración o de otra manera que perjudiquen los derechos reconocidos en el derecho internacional, incluidos los derechos humanos, el derecho humanitario y las normas relacionadas, o derechos de conformidad con dichas leyes y las normas reconocidas en las legislaciones nacionales.
- b. Los Estados deben interpretar estos Principios de Península de una manera amplia, guiados por su propósito humanitario, y mostrar justeza, equidad, razonabilidad, generosidad y flexibilidad en su interpretación.

I. OBLIGACIONES GENERALES

PRINCIPIO 5: PREVENCIÓN Y EVITACIÓN

Los Estados deben, en cualquier circunstancia, cumplir íntegramente con sus obligaciones bajo el derecho internacional, para prevenir y evitar las condiciones que puedan provocar el desplazamiento climático.

PRINCIPIO 6: PRESTACIÓN DE ASISTENCIA PARA LA ADAPTACIÓN, PROTECCIÓN Y OTRAS MEDIDAS

- a. Los Estados deben proporcionar asistencia para la adaptación, protección y otras medidas para asegurar que los individuos, las familias y las comunidades pueden permanecer en sus hogares, tierras o lugares de residencia habitual durante el tiempo que sea posible de manera plenamente consistente con sus derechos.
 - b. Los Estados deben, en particular, garantizar la protección contra el desplazamiento climático y demostrar sensibilidad hacia esas personas, familias y comunidades dentro de sus territorios, que son particularmente dependientes y/o están unidos a su tierra, incluidos los pueblos indígenas y las que dependen de las normas consuetudinarias en relación al uso y la asignación de tierras.
-

PRINCIPIO 7: MEDIDAS DE IMPLEMENTACIÓN NACIONAL

- a. Los Estados deben incorporar en la legislación y las políticas nacionales disposiciones sobre prevención del desplazamiento climático, de asistencia y protección según lo establecido en estos Principios de Península, dando prioridad a la prevención del desplazamiento.
- b. Los Estados deben establecer y proporcionar los recursos adecuados para procedimientos, instituciones y mecanismos equitativos, oportunos, independientes y transparentes - en todos los niveles de gobierno (local, regional y nacional) - para implementar estos Principios de Península y dar efecto a sus disposiciones mediante asignaciones presupuestarias especialmente destinadas y otros recursos para facilitar su implementación.
- c. Los Estados deben asegurar que las soluciones duraderas al desplazamiento climático se aborden adecuadamente en la legislación y otras medidas administrativas.

- d. Los Estados deben garantizar el derecho de todas las personas, hogares y comunidades a una participación adecuada, oportuna y efectiva en todas las etapas de la elaboración de políticas y la implementación de estos Principios de Península, velando en particular por la participación de los pueblos indígenas, las mujeres, los ancianos, las minorías, las personas con discapacidad, los niños, las personas que viven en la pobreza, y los grupos y personas marginados.
- e. Toda la legislación pertinente debe ser plenamente coherente con las leyes de derechos humanos y, en particular, debe proteger explícitamente los derechos de los pueblos indígenas, las mujeres, los ancianos, las minorías, las personas con discapacidad, los niños, las personas que viven en la pobreza, y los grupos y personas marginados.

PRINCIPIO 8: COOPERACIÓN Y ASISTENCIA INTERNACIONAL

- a. El desplazamiento climático es un asunto de responsabilidad global, y los Estados deben cooperar en la prestación de asistencia para la adaptación (hasta el máximo de sus recursos disponibles) y la protección de las personas desplazadas climáticas.
- b. En el cumplimiento de sus obligaciones de prevenir y responder al desplazamiento climático dentro de su territorio, los Estados tienen el derecho de buscar la cooperación y la asistencia de otros Estados y los organismos internacionales pertinentes.
- c. Los Estados y los organismos internacionales pertinentes, ya sea por separado o en conjunto, deben proporcionar este tipo de cooperación y asistencia a los Estados que lo soliciten, en particular, cuando el Estado requirente no es capaz de prevenir y hacer frente a los desplazamientos climático de manera adecuada.
- d. Los Estados que de otra manera son incapaces de prevenir y responder a los desplazamientos climático adecuadamente deben aceptar la asistencia y el apoyo adecuado de otros Estados y los organismos internacionales pertinentes, ya sea hecho de forma individual o colectiva.



Foto: Kadir van Lohuizen / NOOR
Ubicación: Carteret Islands, Papua New Guinea



II. PREPARACIÓN Y PLANIFICACIÓN DEL DESPLAZAMIENTO CLIMÁTICO

PRINCIPIO 9: GESTIÓN DEL RIESGO DEL DESPLAZAMIENTO CLIMÁTICO

Con respecto a la gestión del riesgo de desplazamiento climático, el monitoreo y modelado, los Estados, usando un enfoque basado en los derechos, deben:

- a. identificar, diseñar e implementar estrategias de gestión del riesgo, incluyendo la reducción de riesgos, la transferencia de riesgos y los mecanismos de distribución de riesgos, en relación con el desplazamiento climático;
- b. llevar a cabo una observación sistemática y monitoreo de, y la recopilación de datos desagregados a nivel de hogar, local, regional y nacional sobre, el desplazamiento climático actual y previsto;
- c. aumentar el intercambio, el acceso y el uso de estos datos a nivel de hogar, local, regional y nacional, teniendo en cuenta la necesidad de protección de datos y el uso predeterminado de los datos, y facilitar la evaluación y la administración de los desplazamientos climáticos;
- d. modelar los escenarios probables de desplazamiento climático (incluidos los plazos y las implicaciones financieras), los lugares amenazados por el cambio climático y los posibles sitios de reubicación para los desplazados climáticos;
- e. integrar los derechos de reubicación, procedimientos y mecanismos, como se define en estos Principios de Península, dentro de las leyes y políticas nacionales, y
- f. desarrollar marcos institucionales, procedimientos y mecanismos con la participación de individuos, hogares y comunidades que:
 - (i) identifiquen los indicadores que permitan, con la mayor precisión como sea posible, clasificar dónde, en qué momento en el tiempo, y para quienes, se requerirá la reubicación como un medio de aportar soluciones duraderas a los afectados;
 - (ii) requerir y facilitar asistencia técnica gubernamental y financiación, y
 - (iii) listar los pasos que los individuos, los hogares y las comunidades pueden tomar antes del desplazamiento climático con el fin de recibir ese tipo de asistencia técnica y apoyo financiero.

PRINCIPIO 10: PARTICIPACIÓN Y CONSENTIMIENTO

Para hacer efectiva una preparación y planificación exitosa para el desplazamiento climático, los Estados deben:

- a. asegurar que se asigne prioridad a las solicitudes de las personas, los hogares y las comunidades para la reubicación;
- b. asegurar de que no deberán efectuarse reubicaciones a menos que las personas, los hogares y las comunidades (tanto las desplazadas como las de acogida) dan su consentimiento pleno e informado para tal reubicación;
- c. únicamente requerir que la reubicación se lleve a cabo sin tal consentimiento en circunstancias excepcionales, cuando sea necesario para proteger la salud pública y la seguridad, o cuando los individuos, los hogares y las comunidades se enfrenten a la inminente pérdida de la vida o la integridad física;
- d. adoptar medidas que promuevan medios de subsistencia, la adquisición de nuevas habilidades, y la prosperidad económica, tanto para los desplazados como para las personas, hogares y comunidades de acogida;
- e. asegurarse de que:
 - (i) las personas afectadas, los hogares y las comunidades (tanto desplazadas como de acogida) estén plenamente informados y pueden participar activamente en las decisiones relevantes y en la implementación de esas decisiones, incluyendo la planificación e implementación de leyes, políticas y programas destinados a garantizar el respeto y la protección de la vivienda, la tierra y la propiedad y los derechos a los medios de subsistencia;
 - (ii) los servicios básicos, la vivienda adecuada y asequible, la educación y el acceso a los medios de subsistencia (sin discriminación) estarán disponibles para las personas desplazadas climáticas en la comunidad de acogida a un estándar que garantice la equidad entre las comunidades receptoras y reubicadas, y en consonancia con los derechos humanos básicos de cada uno;
 - (iii) los mecanismos adecuados, garantías y recursos estén disponibles para prevenir y resolver los conflictos por la tierra y los recursos, y
 - (iv) los derechos de las personas, hogares y comunidades sean protegidos en todas las etapas del proceso de reubicación;
- f. antes de cualquier traslado, preparar un plan maestro de reubicación que se ocupe de los asuntos críticos, entre ellos:
 - (i) la adquisición de tierras;
 - (ii) las preferencias de la comunidad;
 - (iii) el alojamiento temporal y la vivienda permanente;

- (iv) la preservación de las instituciones sociales y culturales existente, y de los lugares de las personas desplazadas climáticas;
- (v) el acceso a los servicios públicos;
- (vi) el apoyo necesario durante el período de transición;
- (vii) la cohesión familiar y comunitaria;
- (viii) las preocupaciones de la comunidad receptora;
- (ix) los mecanismos de monitoreo, y
- (x) los procedimientos para el trámite de quejas y los recursos efectivos.

PRINCIPIO 11: IDENTIFICACIÓN DE LA TIERRA, HABITABILIDAD Y USO

- a. Reconociendo la importancia de la tierra en la resolución del desplazamiento climático, los Estados deben:
 - (i) identificar, adquirir y reservar tierra pública y de otro tipo que sea suficiente, adecuada, habitable y apropiada para ofrecer soluciones basadas en tierra viables y asequibles para el desplazamiento climático, incluyendo a través de un Banco Nacional de Tierras Climático;
 - (ii) el desarrollo equitativo y justo de adquisición de tierras y los procesos de compensación y programas de asignación de tierras apropiadas, dando prioridad a los más necesitados, y
 - (iii) planificar y desarrollar sitios de reubicación, incluyendo nuevos asentamientos humanos en tierras que no esté en situación de riesgo de los efectos del cambio climático u otros peligros naturales o humanos, y en dicha planificación consideran la seguridad y la integridad medio ambiental del nuevo sitio(s), y garantizar que los derechos de aquellos reubicados y las comunidades que los acogen se cumplan..
- b. En orden a determinar la habitabilidad y posibilidad de cualquier lugar de reubicación, y para asegurar que las personas desplazadas climáticas sean reubicadas y la autoridad jurisdiccional correspondiente esté de acuerdo en cuanto a la habitabilidad de dicho sitio, los Estados deben crear y hacer públicos los criterios estándares específicos, geográficamente apropiados, incluyendo:
 - (i) el uso actual y futuro de la tierra;
 - (ii) las restricciones (incluidas las de carácter consuetudinario o de otro modo no codificado formalmente) asociado a la tierra y su uso;
 - (iii) la habitabilidad de la tierra , incluyendo temas tales como la accesibilidad, la disponibilidad de agua, la vulnerabilidad al clima y otros peligros naturales o humanos, y el uso, y

- (iv) la posibilidad del uso de subsistencia/agrícola, junto con los mecanismos para que las personas desplazadas climáticas decidan dónde desean reubicarse voluntariamente.
- c. Los Estados deben proporcionar información de fácil acceso a las personas, los hogares y las comunidades en relación a:
- (i) la naturaleza y el alcance de los cambios reales y potenciales para la habitabilidad de sus hogares, sus tierras y lugares de residencia habitual, como resultado del cambio climático, incluidas las pruebas en que se basaron dichas evaluaciones;
 - (ii) la evidencia de que todas las alternativas viables a la reubicación han sido consideradas, incluidas las medidas de mitigación y adaptación que podrían tomarse para que las personas puedan permanecer en sus hogares y lugares de residencia habitual;
 - (iii) los esfuerzos planificados para ayudar a las personas desplazadas climáticas;
 - (iv) la compensación disponible y las opciones de reubicación alternativa si el sitio de reubicación ofrecida es inaceptable para las personas desplazadas climáticas, y
 - (v) los derechos en virtud del derecho internacional y nacional, en particular los derechos a la vivienda, la tierra y la propiedad y los derechos a los medios de subsistencia.
- d. Los Estados deben incluir en la planificación de la reubicación:
- (i) medidas para compensar a las personas desplazadas climáticas por las viviendas perdidas, la tierra y la propiedad;
 - (ii) las garantías de que los derechos a vivienda, la tierra, la propiedad y a los medios de subsistencia se cumplirán para todas las personas desplazadas climáticas, incluyendo a los que tienen derechos informales de tierras, los derechos consuetudinarios sobre la tierra, los derechos de ocupación o derechos de uso habitual, y las garantías de que tales derechos están en curso; y
 - (iii) las garantías de que los derechos de acceso a las tierras y aguas tradicionales (por ejemplo, para la caza, el pastoreo, la pesca y los propósitos religiosos) se mantienen o se replican de manera similar.



Foto: Jocelyn Carlin
Ubicación: Bonriki, Kiribati



PRINCIPIO 12: PÉRDIDAS Y DAÑOS

131

Los Estados deben desarrollar leyes y políticas adecuadas para las pérdidas sufridas y los daños incurridos en el contexto del desplazamiento climático.

PRINCIPIO 13: LOS MARCOS INSTITUCIONALES PARA EL APOYO Y EL FACILITAMIENTO DE LA PRESTACIÓN DE ASISTENCIA Y PROTECCIÓN

- a. Los Estados deben fortalecer la capacidad y los medios nacionales para identificar y hacer frente a la protección y asistencia de los desplazados climáticos a través del establecimiento de marcos institucionales eficaces y la inclusión del desplazamiento climático en los Programas de Acción Nacional para la Adaptación, según corresponda.
- b. Los Estados deben adoptar todas las medidas administrativas, legislativas y judiciales apropiadas, incluyendo la creación de Ministerios, departamentos, oficinas y/o agencias a nivel local (en particular) regional y nacional competentes para desarrollar, establecer y poner en práctica un marco institucional para:
 - (i) permitir la asistencia técnica y la financiación gubernamental para prevenir, preparar y responder a los desplazamientos climáticos;
 - (ii) apoyar y facilitar la provisión de asistencia y protección a las personas desplazadas climáticas;
 - (iii) intercambiar información y cooperar con los pueblos indígenas, las mujeres, los ancianos, las minorías, las personas con discapacidad, los niños, las personas que viven en la pobreza, y los grupos y persona marginados.
 - (iv) representar las necesidades de las personas desplazadas climáticos.
- c. La responsabilidad por el establecimiento de ministerios, departamentos, oficinas y/o agencias debe recaer en los gobiernos nacionales, y tales gobiernos deben consultar y colaborar con las autoridades regionales y locales, e integrar dichos Ministerios, departamentos, oficinas y/o agencias en los marcos institucionales pertinentes.
- d. Los Estados deben asegurar el suministro de recursos adecuados (incluyendo puntos de contacto y asistencia) en todos los niveles de gobierno que aborden directamente las preocupaciones de las personas desplazadas climáticas.

III. DESPLAZAMIENTO

PRINCIPIO 14: LA ASISTENCIA DEL ESTADO A LAS PERSONAS DESPLAZADAS CLIMÁTICAS QUE EXPERIMENTAN DESPLAZAMIENTO PERO QUE NO HAN SIDO REUBICADAS

- a. Los Estados tienen la obligación primordial de proporcionar todas las formas de protección y asistencia jurídica, económica, social y de otra índole que sea necesaria a las personas desplazadas climáticas que experimentan desplazamiento, pero que no han sido reubicadas.
- b. Las actividades de protección y asistencia emprendidas por los Estados deben llevarse a cabo de una manera que respete tanto las sensibilidades culturales que prevalecen en la zona afectada y los principios de mantener la cohesión familiar y comunitaria.
- c. Los Estados deben proporcionar a las personas desplazadas climáticas que experimentan desplazamiento pero que no han sido reubicadas con un nivel de asistencia humanitaria que sea sensible a la edad y el género, incluyendo, sin limitación, según el contexto lo requiera:
 - (i) los servicios de emergencia humanitaria;
 - (ii) la evacuación y reubicación temporal y permanente efectiva;
 - (iii) la asistencia médica y otros servicios de salud;
 - (iv) la vivienda;
 - (v) los alimentos;
 - (vi) el agua potable;
 - (vii) el saneamiento;
 - (viii) las medidas necesarias para la inclusión social y económica, incluyendo, sin limitación, las medidas de lucha contra la pobreza, la educación gratuita y obligatoria, la formación y desarrollo de habilidades, y el trabajo y las opciones de subsistencia, y la emisión y el reemplazo de documentos personales perdidos, y
 - (ix) el facilitamiento de la reunificación familiar.

PRINCIPIO 15: VIVIENDA Y MEDIOS DE SUBSISTENCIA

133

- a. Los Estados deben respetar, proteger y realizar el derecho a una vivienda adecuada a las personas desplazadas climáticas que experimentan desplazamiento pero que no han sido reubicadas, lo cual incluye la accesibilidad, asequibilidad, habitabilidad, seguridad de la tenencia, adecuación cultural, adecuación del lugar y el acceso no discriminatorio a los servicios básicos (por ejemplo, salud y educación).
- b. Cuando el desplazamiento climático deriva en la inhabilidad de las personas desplazadas climáticas a volver a las fuentes anteriores de subsistencia, se deben tomar las medidas adecuadas para garantizar dichos medios de subsistencia puedan continuar de una manera sostenible y no den lugar a nuevos desplazamientos, y que las oportunidades creadas por tales medidas deben estar disponibles sin discriminación de ningún tipo.

PRINCIPIO 16: LAS RECURSOS Y LAS INDEMNIZACIONES

Las personas desplazadas climáticas que sufren el desplazamiento pero que no han sido reubicados y cuyos derechos hayan sido violados podrán tener un acceso justo y equitativo a los recursos e indemnizaciones apropiadas.

IV. POST- DESPLAZAMIENTO Y RETORNO


PRINCIPIO 17: MARCO PARA EL RETORNO

- a. Los Estados deben establecer un marco para el proceso de retorno en caso de que el desplazamiento sea temporal y el retorno a los hogares, tierras o lugares de residencia habitual, sea posible y acordada por los afectados.
- b. Los Estados deben permitir a los desplazados climáticos que experimentan desplazamientos el regresar voluntariamente a sus antiguos hogares, tierras o lugares de residencia habitual, y deben facilitar su retorno efectivo en condiciones de seguridad y dignidad, en circunstancias en que esos hogares, tierras o lugares de residencia habitual son habitables y donde el retorno no representa un riesgo significativo para su vida o medios de subsistencia.
- c. Los Estados deberían permitir a los desplazados climáticos que decidan sobre la conveniencia de volver a sus hogares, tierras o lugares de residencia habitual, y proporcionar a estas personas información completa, objetiva, actualizada y exacta (incluyendo el tema de la seguridad física, material y legal) necesaria para ejercer su derecho a circular libremente y a elegir su residencia.
- d. Los Estados deben proporcionar ayuda transitoria a las personas, hogares y comunidades durante el proceso de retorno hasta que se restablezcan los medios de subsistencia y el acceso a los servicios.

V. IMPLEMENTACIÓN

PRINCIPIO 18: IMPLEMENTACIÓN Y DIFUSIÓN

Los Estados, que tienen la obligación primordial de garantizar el pleno disfrute de los derechos de todas las personas desplazadas climáticas dentro de su territorio, deben implementar y difundir estos Principios de Península sin demora y cooperar estrechamente con las organizaciones intergubernamentales, organizaciones no gubernamentales, profesionales, sociedad civil y los grupos comunitarios de base para este fin.



Adoptado por un grupo de eminentes juristas, escritores de texto, juristas y expertos en cambio climático en Red Hill en la península de Mornington, Victoria, Australia en 18 de agosto 2013.



ARTERIA STUDIO
arteriastudio.com.au



DISPLACEMENT SOLUTIONS

RUE DES CORDIERS 14, 1207 GENEVA, SWITZERLAND
INFO@DISPLACEMENTSOLUTIONS.ORG

WWW.DISPLACEMENTSOLUTIONS.ORG