



Government of Fiji

Submission to the Transitional Committee

April 25, 2023

CASE STUDY

The Development of Fiji's National Planned Relocation Arrangements and Associated Financing Mechanism

Introduction

The insidious impacts of incremental sea level rise and shifting climate trends have increasingly tested the very limits of Fiji's resilience – especially in the cases of rural, coastal, and maritime communities. As tipping points are reached, the Fiji Government has taken action to address loss and damage experienced by those least equipped to shoulder this burden. Since 2018, following an upsurge in projected relocation needs, the Fiji Government began work to develop a robust policy and legal framework to guide a national response to current and future planned relocation activities.

The Fiji Government has developed a 'demand-driven' means to respond to growing requests to manage loss and damage when 'in-situ' adaptation options are exhausted through managed retreat.

This case study documents the Fiji Government's experience with designing, establishing, and legislating procedures and systems linked to a dedicated funding mechanism for addressing loss and damage.

- This case study demonstrates the value of ensuring contextually relevant locally/nationally/regionally established instruments can be supported directly by the 'fund' established by Decision 2/CP.27.
- Existing multi-lateral climate funds have used pre-determined criteria and templated processes to consider project proposals. These systems are unlikely to offer a 'fit for purpose' solution if applied in an attempt to address loss and damage. This case study clearly illustrates the complexities of loss and damage response that require context-led oversight to be effective.
- Fiji's case study provides insights into the required differentiation between project focused adaptation and mitigation projects and efforts to fundamentally address loss and damage in a consistent and programmatic fashion.
- This case study supports Fiji's **associated submission to TC2** – which posits the case that in order to ensure financing to address loss and damage can be deployed in a context-relevant and context-sensitive way, the TC should consider a means by which the new 'fund' for Loss and Damage can deploy funds directly to established instruments that are *purpose-built* to address loss and damage in the respective context in which they operate.

Policy and Risk Context

As the impacts of climate change increase and begin to drive ongoing and irrecoverable losses for specific communities and groups in Fiji, the Fiji Government has a duty to introduce new measures to support the rights and assurances established under the National Constitution which define the Government's responsibilities.

The Climate Relocation of Communities trust fund is the **world's first national trust fund** to be linked to a government legislated, community-driven process for the planned relocation of communities, settlements, and groups as a means of proactive retreat from the impacts of climate change when 'in-situ' adaptation efforts fail. Funding committed to the trust fund directly supports efforts to both minimize and address loss and damage through efforts to secure safe alternatives for vulnerable communities while also supporting efforts to offset elements of irrecoverable losses and non-economic loss and damage that result from climate-driven degradation of land and the inherent tradeoffs that must be managed when relocation of a community or group is required.

An increasing number of Fijian settlements and communities face a confluence of impacts associated with sea level rise, changing rainfall patterns, and intensified hydro-metrological events driven by global climate change.

In 2014, The Fiji Government announced that 676 Coastal communities needed relocation based on projected climate impacts, and that of this total, 42 are expected to require relocation in this decade, with 17 currently considered as prioritized for relocation as soon as possible. If considering the impacts of sea level rise alone, it is clear that loss and damage will continue to be incurred in Fiji and the wider Pacific Region:

- The rate of Sea level rise in the Southwestern Pacific is 2-3 times the global average.
- 27% of Fiji's population lives up to 1km from the coast and 76% of the population lives within 5km of the coast.ⁱ
- Recent assessments suggest that – without action - approximately 4.5% of all existing buildings on Fiji will be inundated by 2050 under a highly likely sea level rise of 0.22 m (scenario 1) and 6.2% by 2100 based on an expected experienced sea level rise of 0.63 m (scenario 2)ⁱⁱ

The Fiji Government developed the **Planned Relocation Guidelines in 2018**, thereby embedding a bold national commitment pursue pre-emptive social protection measures in response to escalating climate change risks. The **Climate Relocation of Communities Trust Fund** was then established through national legislation in 2019 alongside the suite of guidelines and policies illustrating intent to engage in the sensitive and complex issue of climate change-induced planned relocation. In recent years, communities in partnership with the Government and international partners, have successfully relocated in retreat from circumstances where diminishing circumstances and failed in-situ adaptation efforts required acceptance and the will to embrace alternatives. These experiences have shaped the Fiji Governments design of a robust intra-governmental system for supporting community-led relocation efforts. Fiji's policy-based and legal definitions of planned relocation are stated below:

- *Planned relocation is 'a solution-oriented measure, involving the State, in which a community (as distinct from an individual/ household) is physically moved to another location and resettled permanently there.'* – *Planned Relocation Guidelines (2018), Government of Fiji.*
- *"planned relocation" means the action undertaken to permanently relocate or resettle a community or group'* – *Climate Change Act (2021), Government of Fiji.*

In 2021, **Fiji's Climate Change Act** was enacted by Parliament and with it, a declaration of climate emergency within national law. The Act sets out a comprehensive legal framework for addressing the risks and impacts of climate change and is **the first piece of legislation in the world** to create a legislated approach to the organization, governance, and execution of planned relocation as a means to address loss and damage and enable adaptation. The Act includes language within its overarching objectives stating that a key objective of the Act is to 'provide for the relocation of at-risk communities and safeguard their rights' (Section 4 (n)). The Act, also stipulates the key role of the Minister for Climate Change in formulating, implementing, and reviewing actions related to planned relocation (Section 9 (iii) and the Ministers role in convening other ministries to support national efforts in relation to planned relocation (Section 9(c)). Part 12 of the Climate Change Act – entitled 'Climate Displacement and Relocation' establishes the **Fijian Taskforce on the Relocation and displacement of Communities Vulnerable to the Impacts of Climate Change** and mandates the use of the Climate Relocation of Communities Trust fund to support relocation efforts in Fiji. The intra-governmental taskforce for overseeing relocation assessments and implementation arrangements is supported through the legal requirement for government to produce '**Standard Operating Procedures for Relocation**' to help define a consultative, evidence-based, and demand driven process for moving communities, settlements, and vulnerable groups in a safe, orderly, and equitable way. In 2023, the first iteration of Fiji's Standard Operating Procedures was endorsed by Cabinet along with dedicated **Financial Management Policy Guidelines** for the operation of the **Climate Relocation Trust Fund**. See **Annex 1** for additional detail on this guiding legislation.

Experiences: Relocation as a measure of ‘last resort’

Managing difficult trade-offs in exchange for a safer and more resilient future in Vunidogloa Village, Vanua Levu.

The coastal community of Vunidogloa Village, and its 160-villagers were relocated 2km inland to avoid the ongoing loss and damage caused by severe storm surge, inundation, and widespread erosion driven by sea level rise and the increased intensity of disaster events. This relocation has enabled the community to live in relative safety and without the fear of constant threats. However, the trade-offs for the community remain difficult, as villagers no longer inhabit land that has been the basis of their heritage. They have lost proximity to ancestral burial grounds and must travel much further to access traditional fishing grounds to which their livelihoods are dependent. This ‘loss of adjacency’ to key assets and places of cultural and spiritual significance provides an example of the difficult trade-offs and non-economic loss and damage which must be considered, managed, and offset through other opportunities and resources where possible when relocation is used as an action of ‘last resort’.

Life on the precipice of the climate crisis - the Villagers of Tukuraki find new hope.

Tukuraki village in Yakete, Ba was devastated by a landslide following extreme rainfall in 2012 which killed a family of four and buried over 50% of the village. Just 12 months later Tukuraki was hit by Category 4 Tropical cyclone Evan which destroyed remaining infrastructure and destroyed crops. Villagers remained in temporary shelters while a new village site was selected. In 2016, Tukuraki again faced disaster as Category 5 severe tropical cyclone Winston. This event, in the wake of previous disasters, compounded risks and forced communities to take shelter in caves. After years of disruption the villagers of Tukuraki found relief in 2017 when the new village site was officially opened, and community members moved into new, resilient homes and work began to reclaim livelihoods and build new opportunities.



Figure 1 - Safely Relocated, the Village of Tukuraki

Slow onset loss and new beginnings in Narikoso Village

The village of Narikoso on Ono Island in the Kadavu group faced severe coastal erosion which led to ongoing instances of flooding and increasing property damage. The 28 households and 100+ residents of Narikoso are heavily dependent on substance farming and fishing due to their remote location and traditional community practices. In 2012 it became evident that relocation would be required for homes within the 'red zone' in which coastal inundation was prevalent. took place over a prolonged period due to constrained resources and complexity. The eventual completion of this community relocation has provided significant experience which has informed the consultation requirements detailed in Fiji's Standard Operating Procedures for Planned Relocation while also prompting the effort to develop a dedicated trust fund for planned relocation to ensure dedicated resources can be positioned to support these activities in the future.

Extreme Sudden Onset Events, Local Action, and Long-Term Planning in Silana Village

In early 2016, sea surface temperatures spiked, and fish were found dead across Fiji's beaches – a week later, Cyclone Winston, at the time the strongest category 5 cyclone recorded in the southern hemisphere, passed by Fiji, only to double back – strengthened by ocean heat. While cyclone Winston devastated Fiji's economy overnight and is but one of many examples of climate-wrought devastation in the Pacific, the impacts of climate change do not dissipate in the aftermath of these events. Silana Village in the Dawasamu District of Tailevu, is based on the eastern coast of Viti Levu and was hit by cyclone Winston as the category 5 cyclone moved across Viti Levu. Community members gathered in a village hall 500m from the coastline only to find themselves neck deep in water. In the darkness, during 285km/h winds, 200 hundred community members retreated from the community hall to a nearby school in an elevated area. The community was devastated by the sea surge and the community remained displaced, forced to live communally within the only two remaining structurally sound rooms of the primary school. This event has changed the community's perception of the potential and scale of disaster risks and while community members have returned to their homes since, the community has taken action to relocate assets and used strategic planting of vetiver grass to build up the village's coastline. While Silana village is not currently a priority community to assess in relation to relocation, it provides an example of a situation where extreme risk remains possible and in future the viability of current climate adaptation and disaster risk reduction strategies to adequately protect this community may need to be reassessed.



Figure 2 – Left – Silana Village Headman, Meli Rabele, points out a red rope on a palm tree that marks the high-water mark during severe tropical cyclone Winston in 2016, Right – A villager stands in the wreckage of her family home in Silana Village in the aftermath of Cyclone Winston

Pending urgent relocations

There are currently 17 prioritized planned relocations in process in Fiji. An important example is the village of Nabavatu in Vanua Levu, where many villagers have been displaced by recent disaster events and are currently living in temporary accommodation. Many community members have now been living in temporary accommodation, including tents, since early 2021. The 85 families made up of over 460 people require urgent relocation due to the vast majority of the communities' structures existing in what is now termed the 'red zone' follow recent flood inundation risk assessments. The physical relocation of Nabavatu alone (construction, utilities, physical risk management) alone is expected to cost over 2.5m USD.



Figure 3 - Satellite Image Map depicting outcomes of recent hazard and risk assessments. Red polygon overlay denotes high risk areas. Purple polygon overlay denotes medium risk areas. Green polygon overlays denote low risk areas

The Institutionalization of Dedicated Financing Arrangements for Addressing Loss and Damage

Planned relocation, a defined through Fiji’s policies and the ‘Standard Operating Procedures’ for Relocation is a complicated process, involving various stages of consultation, technical assessment, and design. The Fijian Government has been required to design processes and procedures as well as policies, laws, and guidelines to protect the fundamental rights of the people of Fiji. The Trust Fund allows for funding from an array of domestic, private, international, and bilateral sources to be combined in support of activities which must urgently be progressed to ensure the success of planned retreat, the resilience of alternatives, and the long-term sustainability of the solutions created and funded by the Climate Relocation of Communities Trust Fund. National arrangements in Fiji allow for funding to be specifically purposed for the tasks involved with safely and effectively relocating communities in keeping with national law.

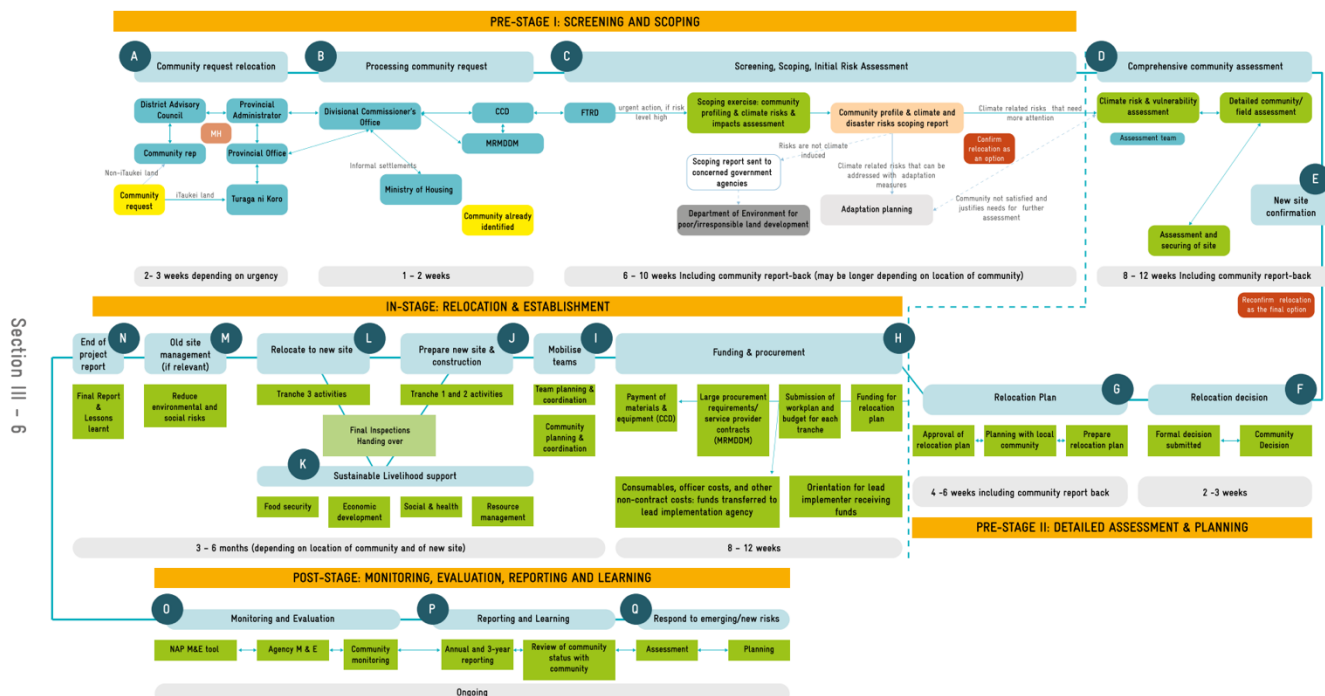
Demand-Driven and User Defined

The Climate Relocation of Communities Trust Fund will support communities, settlements and groups based on request. The Standard Operating Procedures for planned relocation in Fiji describe the process for triggering assistance from government to assess relocation needs. The arrangements in place to support planned relocation in Fiji responds to the contextual differences between communities and groups in Fiji. The consultation processes required align to both the governments institutional arrangements and both indigenous and non-indigenous leadership systems. The procedures illustrate different sets of procedures for communities based on iTaukei, freehold land, and state land as well as differing requirements for informal settlements and other groups. This ‘demand-driven’ approach is based on consultation and consensus is required before assessments begin. The Trust fund will support:

- Communities, settlements, and groups that are highly vulnerable to the impacts of climate change and lack adequate local adaptation options are eligible to receive technical assistance from government to assess relocation needs and evaluate options. If relocation is deemed to be appropriate and required, the community, settlement, or group in question will be eligible the funding necessary to complete consultations, relocation planning and design, assessments, physical relocation of assets, and costs of building new infrastructure.
- People or communities that become displaced as a result of climate and/or disaster related events and require resettlement will be eligible to receive support from the Trust fund to support alternatives and, in some cases, interim arrangements.

The Standard Operating Procedures provide structure for progressing communities requests and consultations alongside technical assessments, legal processes, and financial planning.

Figure 4 - Overview of the Standard Operating Procedures (Government of Fiji, 2023)



The Standard Operating Procedures were designed based on previous experiences with relocation, both positive and negative which have improved the understanding of the contextual considerations and needs specific to Fiji. The approach taken is guided by a close awareness of the cultural linkages and importance natural assets, ancestral sites, and other non-economic values.

Figure 5 - Matrix of key considerations relating to economic and non-economic values developed during early pre-feasibility assessments for Fiji's Standard Operating Procedures for Planned Relocation (Government of Fiji, 2019)

Consideration of the Defining Features of an established Socio-Ecological System						
Socio-Cultural	Consideration	Social Cohesion and Dynamics	Traditional Knowledge, Location Familiarity	Cultural Value of Location	Unique and Specific Physical Characteristics of Unquantified Value	Site Adjacency to Social Benefits
	Examples of Value and Indicators	<ul style="list-style-type: none"> Neighbor proximity Social activities Preferences Shared habits 	<ul style="list-style-type: none"> Risk Knowledge Familiarity with land and natural events Resource management practices 	<ul style="list-style-type: none"> Historical cross-generational experience Traditional practice linked to location and physical features of land and ecosystems 	<ul style="list-style-type: none"> Natural Resources Natural Beauty Topography Land and Maritime features 	<ul style="list-style-type: none"> Proximity to other communities and relatives Distance to desirable locations and vital services
Socio-Economic/Ecological	Consideration	Livelihood defining Parameters	Personal Assets, Resources, Investments	Shared Assets, Resources, Investments	Unique and Specific Physical Characteristics of Economic Value	Site Adjacency to Economic Benefits
	Examples of Value and Indicators	<ul style="list-style-type: none"> Livelihoods and livelihood potential linked to specific physical locations and resources as well as spatial proximity 	<ul style="list-style-type: none"> Sunk costs Personal access to resources 	<ul style="list-style-type: none"> Sunk costs Established unmovable assets 	<ul style="list-style-type: none"> Natural assets including fisheries, forests, agricultural land, productive resources 	<ul style="list-style-type: none"> Access to markets Proximity to natural resources Distance to employer and jobs

Innovative Multi-Source Financing

While the Trust fund requires external financing to achieve its objectives, the fund has been designed to leverage additional financing and services from a range of different domestic sources. Illustrating the benefit of establishing specific financial arrangements, policies, and long term measures for addressing loss and damage.

1) The 'ECAL' Contribution: Innovative Financing for Addressing Loss and Damage

The Fiji Government has leveraged domestic funding to complement contributions to the fund through an innovative policy-based taxation system. The Fiji Government will contribute 3% of the revenue raised through the 'Environment and Climate Adaptation Levy (ECAL)' which is applied to specific luxury goods and services in Fiji. Additional international and bilateral contributions are now required to take the initiative to scale.

2) The Community Contribution: A collaborative community-driven approach

Communities and groups in need of relocation play a proactive role in the design of solutions as mandated by the processes put in place to guide relocation in Fiji. This context-sensitive approach allows community members to play a decisive role in the implementation of relocation activities. Members of communities and groups will be involved in the design, logistics, and physical operations involved and, in many cases, will also contribute their own resources and labour towards supporting the best possible outcomes in keeping with the requirements of the Standard Operating Procedures which state:

- *The affected community is expected to provide some contribution towards their relocation and other activities like adaptation measures and livelihood projects. Contributions are to be within their means and capacity (e.g., building materials, skilled and unskilled labour, fundraising for community infrastructure, accommodation for officers and workers)*
- *An agreement on the community contribution will be drawn up during the planning stage for the relocation. The agreement will only be signed following an inclusive and informed consensus-making process with the entire community.*

3) The Government Contribution: Leveraging external financing through intra-governmental cooperation.

The Fiji Government has committed to utilizing expertise available across Ministerial portfolios and teams to support the effective consultation, decision making, technical assessments, and planning. Contributions made to support this initiative will benefit from this approach which will ensure low overheads, minimize administrative costs, and ensure funding flows directly to the activities and contribute to tangible outcomes and impact.

Legal Oversight and Governance

Fiji's Climate Relocation of Communities Trust Fund is established through two complimentary pieces of legislation and is overseen by the Taskforce on the Relocation and Displacement of Communities and the Minister for Climate Change.

All funds managed by the Trust fund must comply with the requirements set out in the Financial Management Policy Guideline developed specifically for this trust fund. Funds must be used in alignment with the eligible activities stipulated in the Climate Relocation of Communities Trust Fund Act and activities must be conducted in accordance with the Principles of the Climate Change Act and the specific objectives set out under Section 77 of the Climate Change Act (see Annex 1).

The process of relocation is guided by Fiji's Standard Operating Procedures and associated 'Comprehensive Risk and Vulnerability Assessment Framework' which together with the mandate created for this guidance in associated legislation, creates Fiji's world-leading framework for managing and addressing climate-induced loss and damage at the local level.

- The *Trust Fund Act* was enacted by the Parliament of the Republic of Fiji on 24 June 2019. This Act provides the basis for the objectives of the Trust Fund and establishes the requirements that will guide operations of the Trust Fund. This legislation and the establishment of the fund further supports national compliance with the overarching legal framework for community-led, state-recognised and supported planned relocation of vulnerable communities and groups established under Part 12 of the Climate Change Act (2021).

- The fiduciary management and compliance of the operations of the Trust Fund are required by law to comply with the standards defined and procedures stipulated by the Financial Management Act 2004, the Financial Instructions 2010 and the Procurement Regulations 2010.
- The Minister for Finance is the minister responsible for the Trust Fund Act and its Financial Management Policy Guidelines.

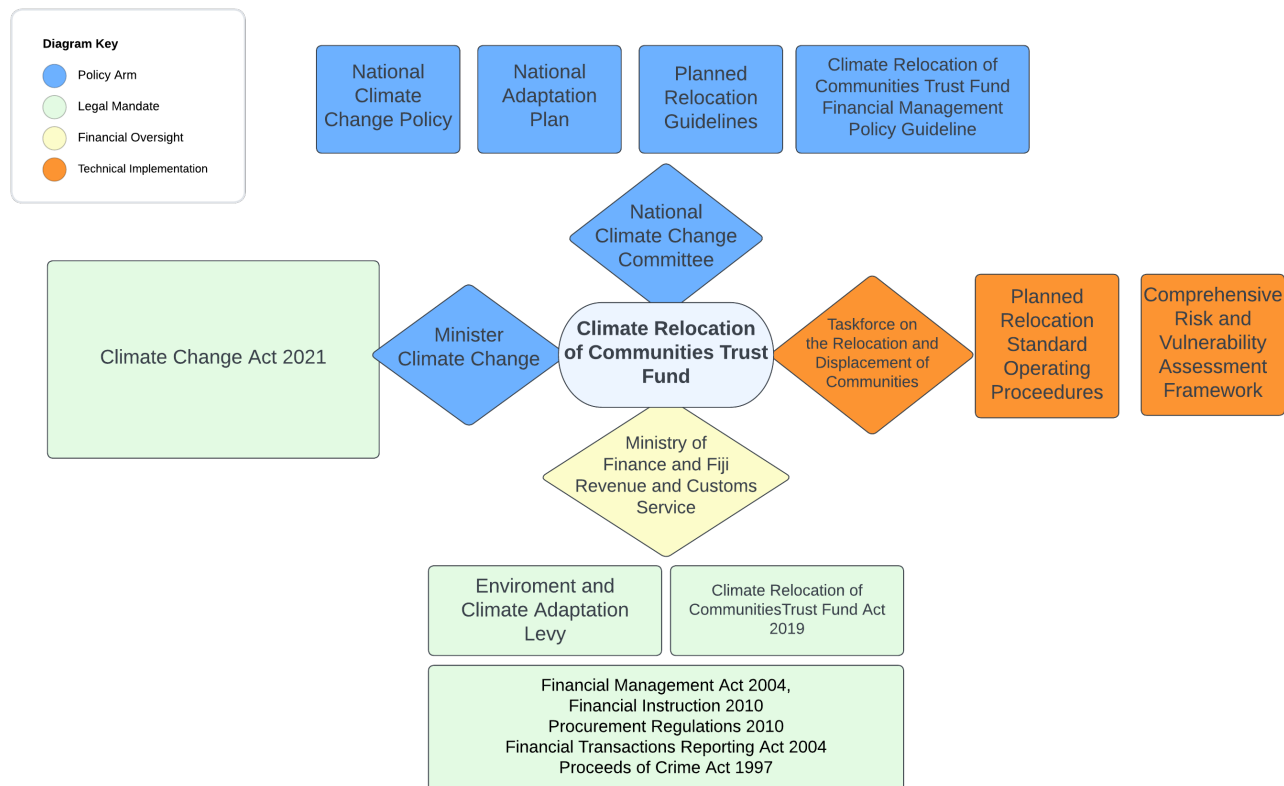


Figure 6 - A depiction of the regulatory framework and oversight that underpins the governance of the Climate Relocation of Communities Trust Fund

Funds held in trust

The Climate Relocation of Communities Trust Fund Act was passed in 2019 and describes the scope of activities the fund which is legally permitted to support:

1. *Research, assessments, and studies into the circumstances which necessitate planned relocation;*
2. *Activities or initiatives that assess the vulnerability of communities which may be at risk of being displaced due to the adverse effects of climate change;*
3. *Activities or initiatives that identify viable locations where communities displaced by climate change may settle; and*
4. *Activities or initiatives which seek to ensure that relocated and displaced communities are provided the necessary infrastructure to guarantee an adequate standard of living and the rights and freedoms provided under the Constitution of the Republic of Fiji.*

The Trust Fund has been established to operate as a multi-donor trust fund. Funding accrued through different domestic and international sources, mechanisms, facilities, and donors will be pooled and used in the aggregate for the support of planned relocation activities defined by this document, the Climate Relocation of Communities Trust Fund Act (2019), and the Climate Change Act (2021).

- Funds will be held and purposed to target specific stages and activities involved in the relocation process as described by the Standard Operating Procedures for Planned Relocation (SOP).
- The Trust will benefit from applicable domestic revenue-raising mechanisms such as levies, or taxes as deemed fit to support the responsibility and evolving priorities supported by the fund.
- Pursuant to section 9 of the Trust Fund Act, Trust Fund income is exempt from income tax.

Operational Clarity

The guidelines for the operations of the trust fund provide very clear parameters around the use of funds and purpose. For example the below text highlights the way in which the various responsibilities, legislation, and requirements together shape the operations of the Trust Fund:

1. *The Financial Management Policy Guideline will be used in conjunction with the SOP for Planned Relocation.*
2. *The SOP will be designed to satisfy the requirements of the Planned Relocation Guidelines and the legal framework established under the Climate Change Act.*
3. *Section 77 subsection (2) of the Climate Change Act states that: “Prior to the Minister making a decision on relocating at-risk communities, the Fijian Taskforce on Relocation and Displacement must—*
 - *consult affected persons or communities and communicate the rights of those persons or communities and the scientific and policy justification for the proposed relocation;*
 - *conduct a **public hearing** whereby the affected persons or communities have the right to legal representation; and*
 - *provide a **record** of all views raised during the consultations and public hearing to the Minister.*

When making a decision whether or not to relocate an at-risk community, the Minister must—

- *take into account all views raised during the consultations and public hearing;*
- *take into account any recommendations of the Fijian Taskforce on Relocation and Displacement;*
- *consider the availability of appropriate financial resources to facilitate relocation;*
- *ensure that the decision is consistent with, and following the processes and requirements established under, the Fijian Planned Relocation Guidelines and any supporting SOP.*

The final decision taken through the use of the SOP, the assessment and recommendation decision of the Taskforce, and the final endorsement decision made by the Minister for responsible Climate Change must be consistent with the principles and objectives set out in part 77(1) of the Climate Change Act (see Annex 1).

Safeguards, Transparency, Accountability, and Reporting

The information below reflects or is a direct excerpt from relevant documentation related to the operation of the Climate Relocation of Communities Trust Fund and is provided as an example of the further safeguards and transparency measures in place to ensure accountability and enable clear reporting on the way resources provided by the trust fund have been utilized.

Grievance Address Mechanism: The Standard Operating Procedures include the establishment of a dedicated Grievance Redress Mechanism. This mechanism provides a means to raise any grievances that arise at any time during the planned relocation process and ensures that there are means to formally lodge complaints and issues that must be addressed and require resolution. Details of this mechanism are detailed in section 2 of the Standard Operating Procedures.

Adherence to operational safeguards: *The activities funded by The Trust Fund must comply with the procedural safeguards set out through the SOP for Planned Relocation and the legal safeguards and requirements established under the Climate Change Act. The Fijian Government will periodically reassess and review the procedures and safeguards associated with planned relocation activities. This guideline operates in conjunction with the most recent endorsed version of the SOP for Planned Relocation.*

Declaration of competing interests: The alignment of the Trust Fund with existing financial management legislation and establishment of dedicated internal governance arrangements provides the means to prevent fraud, corruption, conflicts of interest and undue influences from occurring or existing in influence of decision-making processes. All Taskforce members are required to declare and document potential conflicts of influence at the outset of the consideration and deliberation of a proposal for the use of Trust Funds.

Whistleblower policy: In the event that undue influence is perceived to have impacted upon a decision made in relation to the governance of the Trust Fund the ‘whistleblower(s)’ are instructed to either:

- a) Report to the Taskforce Chair
- b) Report to Manager Internal Audit, Risk and Compliance
- c) Disclose information in the suspected breach of protocol via submission in writing to the
- d) Permanent Secretary for Finance or another official in a position whereby authority is deemed relevant and appropriate.

Other fiduciary issues: All parties must support the procedural requirements, fiduciary requirements, reporting requirements, and information sharing requirements to the best of their ability. Where regulations are deemed to be required to improve compliance and support transparency, both external and internal stakeholders are encouraged to submit proposals to the Minister for Finance directly for consideration and review.

Confidentiality: The Taskforce and all officials involved with Trust Fund operations will uphold the ‘right to privacy’ provided by the Constitution of the Republic of Fiji (2013) when handling any personal and confidential information that may be associated with planned relocation operations in Fiji.

Anti-money laundering and anti-terrorism: All transactions into the Trust Fund are regulated and controlled via the obligations put in place by the Financial Transactions Reporting Act 2004 which applies to all Financial Institutions in Fiji. Any ‘money laundering offence’ is an offence against section 69 of the Proceeds of Crime Act 1997. The Financial Institution within which the Trust Funds are held is obligated to keep records and verify identity of all transfer sources and will follow ‘obligations to report’ as set out in Part 3 of the Financial Transactions Reporting Act 2004. The Financial Intelligence Unit and Anti-Money Laundering Council have been established under the Financial Transactions Reporting Act 2004 to support, regulate, and protect financial institutions from financial crimes and criminal activity.

Audit of the trust fund

1. a) The Trust must be audited by an independent auditor who is a chartered accountant registered with the Fiji Institute of Accountants, holds a certificate of public practice required under section 36 of the Fiji Institute of Accountants Act 1971, is not employed in the civil service and shall be approved by the Minister for Finance.
2. b) Specific procurement process audits and project-specific audits may be required at any time upon request by the Minister responsible for Climate Change or Taskforce
3. c) The accounts of the Trust must be audited annually and published on the *Fiji Climate Change Portal*.
4. d) As deemed necessary, the Permanent Secretary for Finance may request the Internal Audit and Good Governance Section of the Ministry of Finance to conduct a compliance or performance audit.

Conclusions

Chronic climate change impacts are often likely to create constitutional and legal challenges for vulnerable developing countries in the short to mid-term, managing the sensitivity of these issues requires a ‘demand-driven’ approach which is defined by circumstances at the local level and sensitized to cultural, legal, and societal norms. In order to successfully navigate the needs of a diverse range of circumstances and in accordance with the contextual dynamics involved, financing to address loss and damage must be closely managed through mechanisms which are integrated to support existing national approaches and priorities.

In addition to the case study provided, significant literature supports this assessment and aligns with the need for financing to be responsive and complementary rather than defined by external parameters, values, and standardized priorities.

These conclusions have implications for the work of the Transitional Committee and its upcoming recommendations to Parties at COP28. The Fiji Government is of the view that it is inappropriate for the new ‘Fund’ to seek to create broad categorizations of eligibility and priority and that instead, this fund should be focused on identifying instruments, arrangements, and means for dispersing funding at a national or regional level that demonstrate credible ability to deliver urgent support required to minimise and address loss and damage as it is experienced. This view and approach are of particular value and importance when considering the non-economic loss and damage and the complex implications of slow onset events.

Links

Standard Operating Procedures for Planned Relocation in Fiji

- <https://fijiclimatechangeportal.gov.fj/ppss/standard-operating-procedures-for-planned-relocation-in-the-republic-of-fiji/>

Climate Change Act 2021

- <https://www.laws.gov.fj/Acts/DisplayAct/3290>

Recent Media

- <https://www.theguardian.com/environment/2022/nov/08/how-to-move-a-country-fiji-radical-plan-escape-rising-seas-climate-crisis>
- <https://gem.spc.int/news/2021/06/refusing-to-disappear-how-the-people-of-tukuraki-became-symbols-of-a-resilient-pacific>
- <https://www.aljazeera.com/gallery/2023/1/15/graves-sink-fisheries-shrink-as-climate-change-hits-fiji>

Submission Endorsed by

Mr. Kushaal Raj, Director of Climate Change, UNFCCC Focal Point for Fiji

kushaal.raj@finance.gov.fj

Submission Contact:

Mr. Daniel Lund, TC Adviser and Loss and Damage Contact Point, Fiji

danieljeromelund@icloud.com

Annex 1 – Section 77 of the Climate Change Act (2021)

Relocation of at-risk communities

77.—(1) The Minister, with the support of the Fijian Taskforce on Relocation and Displacement, is responsible for relocating and supporting at-risk communities in accordance with the following objectives—

- (a) to allow for the orderly, respectful and dignified relocation of at-risk communities;
- (b) to provide for a minimum standard of protection and assistance to persons at risk of, or affected by, disasters and climatic change, including the most vulnerable persons and taking into consideration the special needs and circumstances of persons living with disabilities, the elderly, sick, women and children;
- (c) for planned relocations, provide a coordination mechanism to enable all affected stakeholders to participate in decisions affecting communities;
- (d) to relocate at-risk communities only when other adaptation measures as set out in the NAP have been exhausted;
- (e) to relocate at-risk communities only with the full free and prior informed consent of the communities, following inclusive and gender responsive consultation and participatory processes;
- (f) to ensure that relocation sites—
 - (i) are on land that is least vulnerable to climate change impacts and capable of supporting the current and future needs of the at-risk community and any existing or host communities; and
 - (ii) have similar or better housing, infrastructure, social infrastructure and other social and financial support systems, employment opportunities than the community from which persons were relocated, and can meet the current and future sustainable development needs of both the existing or host community and the at-risk community that is to be relocated to that site;
- (g) if an at-risk community is relocated to land that supports existing communities, the rights and concerns of those existing or host communities are taken into account and respected;
- (h) where possible and desirable, infrastructure is relocated from the at-risk community to the relocation site;
- (i) relocation is to be non-discriminatory; and
- (j) the adoption of approaches which—
 - (i) are human-centred including prioritising community needs from the bottom up;

- (ii) support the continuation of livelihoods;
- (iii) are human rights based; and
- (iv) are pre-emptive.

(2) Prior to the Minister making a decision on relocating at-risk communities, the Fijian Taskforce on Relocation and Displacement must—

- (a) consult affected persons or communities and communicate the rights of those persons or communities and the scientific and policy justification for the proposed relocation;
- (b) conduct a public hearing whereby the affected persons or communities have the right to legal representation; and
- (c) provide a record of all views raised during the consultations and public hearing to the Minister.

(3) When conducting consultations and public hearings, the Minister must encourage the participation of vulnerable persons or communities and ensure that their views are taken into account.

(4) When making a decision whether or not to relocate an at-risk community, the Minister must—

- (a) take into account all views raised during the consultations and public hearing;
- (b) take into account any recommendations of the Fijian Taskforce on Relocation and Displacement;
- (c) consider the availability of appropriate financial resources to facilitate relocation;
- (d) ensure that the decision is consistent with, and following the processes and requirements established under, the Fijian Planned Relocation Guidelines and any supporting standard operating procedures; and
- (e) ensure that the decision is consistent with the principles in subsection (1).

ⁱ (Andrew, Bright, de la Rua, Teoh, & Vickers, 2019)

ⁱⁱ (Merschroth, Miatto, Weyand, Tanikawa, & Schebek, 2020)