



Climate Displacement and Non-economic loss in Fiji: A Briefing

As a small island state, Fiji is particularly impacted by climate change. Many of our traditional villages, rural communities and their daily economic and social activities are located and based around our coastline and nature. Climate change causes rising sea-levels and temperatures, destruction of coral reefs, frequent flooding, frequent and more intense cyclones and coastal erosion. It also leads to salt water intrusion, causing loss of crops and fish stocks. If sufficient action is not taken to reduce the impacts of climate change and adaptation is not possible, these kinds of impacts can lead to homes becoming uninhabitable, food plantations destroyed, drinking and other water sources contaminated forcing communities to relocate. The suffering and profound community and personal loss this can often cause is known as “non-economic loss”. Countries around the world need to take action to prevent communities in countries like Fiji experiencing such loss and Fiji can also develop its internal displacement procedures to take account of it. We also note that men and women both have differentiated roles as custodians of cultural practices but for the purpose of this brief they are considered together.

What is non-economic loss?

Non-economic loss is loss of things that are not normally bought or sold. This includes: life, human health and mobility, territory, biodiversity, indigenous knowledge and cultural heritage. Non-economic losses can come from “slow onset” events like sea level rise, or extreme events like cyclones. Examples might include loss of:

- ability to live on ancestral land and cultural traditions associated with this;
- guardianship of sacred sites;
- traditional fishing grounds;
- traditional plants and herbs;
- traditional landmarks and sites;
- traditional burial grounds;
- traditional folklore, song and dance ;

- traditional medicine ;
- religious rites ;
- cultural knowledge, including indigenous knowledge and practice.

Non-economic loss is also loss of sense of place and togetherness, the identity of a people, bringing with it social and psychological distress. It is linked here to indigenous Fijians close affinity to their ancestral land and place of origin. A case in point is explained in a documentary video on the displacement of a community in Tukuraki in the interior of Viti Levu, Fiji's main island, after extra-intense rainfall and a landslide totally destroyed their village in 2012.¹ The villagers from Tukuraki were displaced for almost 5 years,, living in makeshift homes in nearby villages and surrounding bushland, many of which were themselves destroyed due to cyclones such as cyclone Evan and cyclone Winston, before the villagers were finally relocated to a new village site in October 2017. A documentary video highlights the impacts on the community of leaving their ancestral homes and lands. This includes the anguish of 3 elders given 24 hours notice to permanently vacate the village where they were born and lived their whole lives, who passed away in the temporary accommodation without ever seeing the new village.²

Non economic loss can happen from the community to national level and impact on individual and community well-being, identity, sense of security and self, things that it is hard to place a monetary value on. For this reason non-economic losses are often overlooked. However, displacement processes that do not take them into account are not effective in the situations where communities consider these values as most important of all, leading to decisions to stay in particular locations despite risks to economic position or even life.

In Daku, Tailevu South on the main Island of Viti Levu, people have decided to adapt to flooding and high tides by building river dykes and roads around the village so that they are higher (1.5m) then the village level. In Vunisavisavi Village, in Natewa Bay, Vanua Levu ; the villagers fulfil a long-standing role as keepers of their chief's sacred sites. Water levels are now reaching homes during high tide, some of which have been moved to higher ground. However, on our field consultation visits³ to the village, the village chief and elders indicated that they were not moving despite the allocation of a site for relocation. Other villages in other parts of Fiji take a similar view. Where relocation has happened communities face different challenges. The Village Headman of Vunidogoloa, which did relocate, has explained that its increased exposure to the world since relocation caused changes in faith denominations, use of alcohol and dress and diet, particularly amongst young people, alongside the positive impact of the village population increasing after the birth of new babies.

¹ See reflections by the village headman and administrator in video documentary, "Climate Forced Displacement and Relocation: Whats Happening to Us"; <https://www.youtube.com/watch?v=hG3CRm2X8S4>

² See Note 1 above.

³ Consultations by Makereta Waqavonovono and team with the village chief, village elder and acting village head and para medic during a field visit in July 2019.

Human rights law and displacement provisions relevant to non-economic loss

Climate change impacts on human rights including the rights to life, health, food, water, a healthy environment, an adequate standard of living, housing, property, self-determination, development and culture. Fiji has ratified international conventions that cover these rights as well as specific rights for women, children, people with disabilities and indigenous peoples. The Paris Climate agreement also highlights the need for countries human rights, the rights of indigenous peoples and others when taking action on climate change. The UN Special Rapporteur on Human Rights and the Environment has produced reports on human rights and climate change and made a country visit to Fiji in 2018.

Fiji's human rights obligations mean that it should apply a rights-based approach to climate change and that there should be real public participation in all the actions it takes related to climate change, including from the most affected groups such as women, children and poorer parts of the population.



Local communities in Fiji discuss the impacts of climate displacement.⁴

There is no overarching legal framework at the international level that covers climate displacement. Principles and declarations like the UN guiding principles on displacement, the Nansen Agenda, Sendai framework on disaster risk reduction and the Global Compacts for migration and refugees contain relevant principles but only provide partial coverage and are not legally binding. The Warsaw International Mechanism on loss and damage (the WIM)

⁴ The Outcomes Statement from the discussions is available from us. Please contact wmakereta12@gmail.com

under the international climate legal framework also oversees a task force on displacement and looks at non-economic losses.

Pacific Islanders are resilient people and our ancestors have moved in the past for a variety of reasons, including economic and social ones. The Banabans were forced to locate from their home on Ocean Island to Fiji as a result of phosphate mining by colonial powers. They arrived in hurricane season with limited stores and to this day, although they are materially in a better position than they were previously, they feel a deep sense of injustice and loss of identity that have carried deep intergenerational consequences.⁵

Indigenous rights

Although our contribution to climate change has been minimal, many indigenous Fijians number among the 400 million indigenous peoples around the world who are particularly vulnerable to climate change because of our close connection to nature. Almost 90% of the land in Fiji is under indigenous ownership which is important for nature conservation. Fijians have a deep connection with ancestral land, which makes relocation deeply emotional and uprooting. Indigenous rights, including the right to free prior and informed consent, provide a strong set of legal tools for looking at relocation policies and proposals that would affect Indigenous peoples.⁶ The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) creates a framework by which to assess Fijian laws and policies and recognises that indigenous rights are collective. Fiji is also a party to ILO convention No.169 on indigenous rights.

Rights to Culture and Self-Determination

Some non-economic losses can be protected as cultural rights under the human rights framework, although this is an area that has not so far received much attention. Cultural rights obligations include respecting a person's ability to identify with a particular community and engage in their own cultural practices. They also mean that minority and indigenous communities should participate in the implementation of laws that affect them. Cultural rights cover indigenous groups as well as minority populations such as the Indo-Fijian community, which have their own customs and practices. The UNFCCC has begun to consider aspects of traditional and cultural knowledge relevant for action on climate change, but other aspects, such as folklore, are generally overlooked.

International human rights law protects the right to self-determination, which includes the right to pursue a particular path of economic, social and cultural development. This is relevant for communities facing displacement, including for communities who chose to stay in place rather than move.

⁵ Jane McAdam Relocation across Borders: A prescient warning in the Pacific, March 15th 2013
<https://www.brookings.edu/opinions/relocation-across-borders-a-prescient-warning-in-the-pacific/>

⁶ B. Powless, 'The Indigenous Rights Framework and Climate Change' in Duycks, Jodoin and Johl Eds. Routledge Handbook of Human Rights and Climate Governance, 2018 [Hereafter indigenous rights and climate change] p220



Devastation inflicted on Narikoso village, in Kadavu, where relocation is ongoing, by Tropical Cyclone Harold. Some of the houses built for relocation in the new site have also been flattened.

Remedies for Non-economic loss

One way of addressing non-economic loss is to try and put a monetary figure on such loss, although this is controversial because of the nature of such losses and also the question of who decides what this amount should be. Monetary payment cannot of course right the moral wrong caused to communities through the loss, but could instead be understood as an attempt to try and address the impacts of the loss in the future.⁷ Another important step could be to take an inventory of the losses the communities might incur from moving, including kinship ties and folklore, for example. Ways of recording stories, places and knowledge that might otherwise be lost could be explored in order to preserve them for younger and future generations, perhaps by creating digital footage of sacred sites that might disappear, as well as of community ceremonies and lore, for example. In the Rauti Para Project in the Cook Islands, tablets were distributed to seniors, allowing them to record local climate change impacts, traditional knowledge and practices and also keep in touch with overseas relatives.⁸ Funding for this should be provided by the countries most responsible for causing climate change, as set out below. Options to limit non-economic loss include relocation of a community within its customary land boundaries, which would enable it to maintain connection with place, ancestors and practices.

⁷ Serdeczny O. (2019) Non-economic Loss and Damage and the Warsaw International Mechanism. In: Mechler R., Bouwer L., Schinko T., Surminski S., Linnerooth-Bayer J. (eds) Loss and Damage from Climate Change. Climate Risk Management, Policy and Governance. Springer, Cham p16

⁸ L. Benjamin L, A. Thomas and M. Stevenson *Non-Economic losses and human rights in Small Island Developing States*, Elgar Encyclopaedia of Environmental law, VII. 38 2019

Human Rights cases

Some indigenous groups have already filed climate change cases in human rights bodies and courts. The indigenous Arctic Athabaskan Council have filed a case petition before the Inter-American Commission of Human Rights relating to warming in the Arctic and Canada's failure to regulate emissions of black carbon. They argue that this violates Athabaskan rights of culture, property, health and subsistence. The Torres Strait Islanders have also lodged a complaint in the Human Rights Committee of the ICCPR against the failure of Australia to take sufficient action on climate change, as their islands, which are part of Australia, are low-lying and particularly at risk. The islanders are arguing a breach of rights including their right to life and culture. While these cases are by indigenous communities in developed countries, they include elements of non-economic loss.

Non-Economic Loss and Fiji's displacement policy

Fiji's Planned Relocation Guidelines (PRG) specifically refer to human rights obligations and to the importance of public participation and inclusion. Standard Operating Procedures (SOPs) are currently being prepared in order to implement them. It is unclear what community consultation has or will take place in order to produce these SOPs. The SOPs should include more detail on the types of losses communities are likely to face and how to minimise or compensate for them. They should be developed with the full participation of affected communities, including indigenous, minority and marginalised communities.

Funding

In Fiji, some relocation costs have been provided under bilateral and/or development agency funding. However, there are currently no international funds geared towards climate relocation or to the losses faced by communities as a result.⁹ The international climate framework, human rights bodies and the Special Rapporteurs all emphasise the responsibility of developed countries to take action on climate change in order to prevent further climate change impacts, like the need to relocate, in countries like Fiji, as well as to provide funding to address loss and damage. Recording loss and damage, including non-economic loss and damage, will enable it to be highlighted in international fora, but funding is also necessary for this.

Conclusion and Recommendations

For those living in climate impacted areas, mainly our coastline and maritime communities in Fiji, the prospect of having to relocate due to climate change is real, stressful and distressing. The situation is even more tragic given the negligible to non-existent contribution by Fijians towards the causes of climate change.

Our people in these climate impacted communities have lived mainly as subsistence farmers on ancestral lands and/or sourcing a livelihood from the sea and other marine resources.

⁹ First People's Convening p38

Moving or relocating to new sites means renouncing both tangible and non-tangible assets and a way of life. This may be a difficult process to understand for an outsider because it means so much more than renouncing physical assets (buildings, infrastructure and other man made assets). There are deep seated values linking communities to their land. It is certainly not the same as the concept of relocation or moving in the western sense.

The costs of dealing with climate displacement are a huge burden and should not be ours alone to take as our resources as a developing country are severely limited – more so given the current challenges of the Covid-19 global pandemic.

Dealing with non-economic loss is not straightforward as there are no easy answers. Many of the discussions on this issue at the international level are in their very early stages. International funding from the countries' most responsible for climate change is essential to enable countries like Fiji deal with loss and damage especially non-economic losses and this must be made available as a priority. If Fiji is able to grapple with the question of non-economic loss, it could shine a light for other countries on this challenging issue.

In summary:

- It is difficult to place a monetary value on non-economic loss, but it may be possible to address some of the impacts of this loss in the future;
- There is a need to develop a framework to address non-economic losses and in particular loss of non-tangible assets such as loss of cultural heritage and social networks;
- Some important tools to record our losses include taking inventories of what has and may be lost and digital archiving, as well as providing possibilities for displaced and separated communities to stay in touch with one another through technological means;
- The Standard Operating Procedures (SOP) for the Planned Relocation Guidelines should contain more detail on the types of non-economic and economic losses likely to be faced by communities and how to minimise or compensate for them, with the full participation of affected communities, including indigenous, marginalised and minority communities.
- There is a need to minimise losses as far as possible and fully engage with impacted communities to understand what they value;
- There is a need for further research and engagement by both the international climate community and the human rights community into the area of non-economic loss and in particular its relationship to human rights.