

Submission by Displacement Solutions

15 June 2020

**Q1: Examples of national and/or regional laws and policies relevant to internal displacement in the context of disasters and climate change.**

**THE PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT WITHIN STATES (2013)**

The *Peninsula Principles on Climate Displacement Within States*[[1]](#footnote-1) were approved by a group of legal scholars and climate change displacement experts on 18 August 2013 and provide a statement of principles on what people should be entitled to expect when facing displacement and what governments should do to respect and protect the full spectrum of the rights involved.[[2]](#footnote-2) To date the *Principles* have taken root in an ever-growing array of institutions and agencies, with countless statements in support of the *Principles* coming from far and wide over the past seven years. UN Climate Change Envoy (and former Irish President and UN High Commissioner for Human Rights), Mary Robinson noted that “States facing climate-related displacement within their borders require significant financial support and technical expertise to develop solutions that provide for the rights of those affected. The *Peninsula Principles* provide a normative framework, based on human rights, to address the rights of internally displaced people.” The UN Human Rights Council Advisory Committee has issued a Reflection Paper to the Council on Climate-Induced Displacement and Human Rights where it was stated that the *Principles*“provide a good foundation for the protection of the specific needs of those internally displaced by climate change in line with a human rights based approach and are consistent with international human rights and humanitarian law.”

An article in *Forced Migration Review*, asserted: “The *Peninsula Principles* are arguably the clearest example to date of guidance which promotes comprehensive vulnerability reduction through climate change resettlement. They suggest that the resettlement process should preserve existing social and cultural institutions, ensure the resettlement site is not also at risk of climate change-related hazards, maintain or enhance housing and land tenure for resettled residents, provide compensation for lost assets, maintain or strengthen livelihoods, and strengthen capacities at multiple levels to deal with resettlement”. Governments in all of the countries generating climate displacement have been fully briefed on the *Principles* and a growing number of government officials are using the *Principles* to guide the development of domestic law and policy from Bangladesh, to Panama, to Vanuatu, to Fiji, to the Solomon Islands and beyond. At the grassroots level, growing numbers of local communities are organising around the *Principles* and demanding new homes for lost homes and new lands for new lands. The recent decision by the government of Indonesia to possibly relocate the entire capital city of Jakarta provides another instance where the *Principles* can guide local policies to protect the weakest members of society.

The book REPAIRING DOMESTIC CLIMATE DISPLACEMENT: THE PENINSULA PRINCIPLES published by Routledge gives a broader overview of the *Principles* and how they can be put into effect.

**National Policies Influenced by the Peninsula Principles**

***Fiji*** - In Fiji, the government has identified 676 villages that are under serious threat from climate change and that will eventually need to be moved. In 2018, the government of Fiji adopted its *Planned Relocation Guidelines: A framework to undertake climate change related relocation*. These guidelines can be accessed here: https://www.refworld.org/docid/5c3c92204.html

***Vanuatu*** - The *Vanuatu National Policy on Climate Change and Disaster-Induced Displacement* was adopted in 2018. This can be accessed here: https://ndmo.gov.vu/images/download/Vanuatu-National-Policy-on-Climate-Change-and-Disaster-Induced-Displacement-2018-published.pdf

***Bangladesh*** - The Peninsula Principles have been instrumental in defining the scope and direction of *Bangladesh’s National Strategy for Disaster and Climate Induced Internal Displacement*. Their importance to high-level policies such as these demonstrates their growing global influence and relevance. Recent estimates cited in this Strategy suggest that, by 2050, one in every seven people in Bangladesh will be displaced by climate change. By 2080, it is likely that 13 percent of Bangladesh’s coast will have been swallowed by rising sea levels. The potentially positive impact the *Peninsula Principles* can have on millions of lives is only growing as those displaced by climate change face multiple human rights challenges. Click [here](http://displacementsolutions.org/wp-content/uploads/2015/12/National-Strategy-for-Climate-Induced-Displacement-21-Sept-2015_Bangladesh.pdf) to read the Strategy.

**LAND SOLUTIONS FOR CLIMATE DISPLACEMENT**

The work by Displacement Solutions (DS) on climate displacement and concrete solutions to it has been underway since its founding in 2006. In DS’ many publications, fieldwork in frontline climate-affected countries and international standard-setting initiatives[[3]](#footnote-3), DS has played a pioneering role in finding viable solutions to climate displacement. The organisation’s research has found that taking a baseline of 250 million people displaced, the world would need to identify somewhere between 12.5-50 million acres of land (using a range of 1000m 2 - 4000m2/ per household) to provide various land-based solutions to the world's climate displaced population, with this amount of land representing *only 0.14 percent* of the Earth's land surface as it exists today. These findings made abundantly clear that a shortage of land is *not* the reason why so many climate displaced people and communities have already become homeless and landless. Rather, sustainable land-based relocation measures to address climate displacement can be found if the will is apparent to pursue such solutions.

We would encourage the Special Rapporteur to examine the following publications:

* https://issuu.com/displacementsolutions/docs/finding\_land\_solutions\_to\_climate\_d
* Scott Leckie (ed) Land Solutions for Climate Displacement, Routledge, July 2016.

**NATIONAL CLIMATE LAND BANKS**

Based on these findings DS was the first to formulate the idea of *National Climate Land Banks* as an institutional tool applicable to all countries wherein land could be set aside for the exclusive use of resolving future climate displacement. In 2018, Displacement Solutions released a report on how a Myanmar National Climate Land Bank could be a useful target for addressing climate displacement in Myanmar. This report is available here:

https://issuu.com/displacementsolutions/docs/dis5757\_myanmar\_national\_climate\_la

A 2019 report on *Promoting Affordable Housing in Yangon, Myanmar* published by the Asian Development Bank has, among other recommendations, urged the government of Myanmar to consider establishing a National Climate Land Bank to proactively address the looming climate displacement crisis in the country: “The central importance of land for security, stability, and economic development is already well-recognized by the present government and by all organs of civil society, which have commenced identifying state land resources for eventual distribution to landless rural poor households as part of broader land reform efforts. In this context, the establishment of the MNCLB would be a further element of broader land reform measures, which are already underway in the country. Without such an MNCLB in place, the growing numbers of people facing displacement due to the effects of climate change will increasingly have nowhere to go and thus be forced, as climate displaced communities everywhere, into urban slums or new residential options that are wholly inadequate to meet their basic human rights requirements.” The report is available here: [financing-affordable-housing-yangon.](http://displacementsolutions.org/wp-content/uploads/2019/08/financing-affordable-housing-yangon.pdf)

**THE ONE HOUSE, ONE FAMILY AT A TIME PROJECT (BANGLADESH)**

DS also established the *One House, One Family at a time* project in Bangladesh in 2017, which constructs homes for some of Bangladesh’s coastal dwellers who are most vulnerable to climate displacement. The project is managed by DS and implemented by the Bangladeshi project partner associated with the present proposal, Young Power in Social Action (YPSA). To date nine houses have been built and provided permanently and free of charge to some of Bangladesh's most highly vulnerable climate-affected populations. More detailed information on the project, which we hope the Special Rapporteur will publicise because of its problem-solving aims, is available here: https://displacementsolutions.org/?s=OHOF

**RELEVANT NATIONAL CASE LAW**

Displacement Solutions is currently preparing a detailed global report on Courtrooms and Climate Change. Bearing in mind the 2000 word limit on this submission, we would simply like to draw the attention of the Special Rapporteur to the following cases which are of direct interest:

***Urgenda* (2016) - The Netherlands**

***Teitiota* (2013, et al) - New Zealand**

***AC Tuvalu* (2014) - New Zealand**

***Ali* (2016)- Pakistan**

***Leghari* (2018) - Pakistan**

***Juliana* (2020) - United States**

***R (Friends of the Earth) v. Secretary of State for Transport and others* (2020) - United Kingdom**

**UN Human Rights Committee (New Zealand/Kiribati)**

**Inter-American Commission on Human Rights (*Athabaskan Petition*, Canada)**

**Inter-American Commission on Human Rights (*Inuit Petition*, United States,)**

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**Q2: Available data and evidence on internal displacement linked to slow-onset natural hazards in the context of the adverse effects of climate change (globally or in a specific region or country), trends and/or challenges and gaps with regards to data collection, analysis and use.**

**AUSTRALIA** - In Australia, government reports have identified almost 300,000 coastal properties under threat from worsening coastal inundation.[[4]](#footnote-4) Another report – **An Analysis and Recommendations on Applying the *Peninsula Principles on Climate Displacement Within States*to Current and Future Climate Displacement in Australia’s Torres Strait Islands**– examines how the *Peninsula Principles* could be used to guide local and national law and policy to ensure that the rights of Torres Strait Islanders are fully ensured in the context of ever worsening climate change effects there. The report offers a series of specific conclusions and recommendations on how to improve the prospects of one of Australia’s most vulnerable coastal communities. The text of this report can be accessed here:

http://displacementsolutions.org/wp-content/uploads/2018/06/Torres-Strait-Islands-and-Climate-Displacement.pdf

**PAPUA NEW GUINEA (THE CARTERET ISLANDS, ET AL) -** The well-publicised planned relocation process currently underway from the Carteret Islands in Papua New Guinea to the much larger neighbouring island of Bougainville (also in PNG) is widely held to be one of the first organised resettlement movements of climate change displaced persons, though the idea of resettling the islanders to Bougainville stretches back several decades.[[5]](#footnote-5) In 2007 the national government of PNG and the Autonomous Bougainville government (ABG) agreed to resettle the inhabitants of the Carterets and three other atolls to Bougainville. More than 3,000 Carteret Islanders and another 2,500 island dwellers from three other nearby atolls (the Mortlock, Tasman and Nuguria Islands) will need to relocate because of increasing land loss, salt water inundation and growing food insecurity. When the national PNG government and the ABG decided to resettle those from the Carterets and other atolls to Bougainville, many expected the relevant governmental bodies to promptly manage this process by identifying and allocating sufficient land on Bougainville to resettle those fleeing their atolls. But after a frustrating period of inaction by the government in Bougainville to find durable solutions for the islanders, the community-driven initiative *Tulele Peisa* was established to find land solutions for those to be displaced from the Carterets.[[6]](#footnote-6) Displacement Solutions and a local landowner on Bougainville developed a detailed plan in 2008 to provide 7500 acres of land to the Carteret Islanders, but this was ultimately not implemented.[[7]](#footnote-7)

**Q3: The impact of climate change-related internal displacement on the enjoyment of human rights by specific groups, such as indigenous peoples, minorities, children, older persons and persons with disabilities.**

**PANAMA** - Since 2014, Displacement Solutions has been closely following the situation of Guna indigenous communities in the autonomous region of Gunayala, Panama and their need to relocate from their island homes to the mainland as a result of sea level rise and lack of space on the tiny islands. In September 2016, DS conducted its third visit to the Gunayala region as part of its ongoing effort to assist the community of Gardi Sugdub island in the relocation process. DS has published two previous reports regarding the relocation of the Guna indigenous communities[[8]](#footnote-8).

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We hope this information will be of use to the Special Rapporteur. Should you have any questions or queries, please do not hesitate to contact us.

Sincerely yours,

Scott Leckie

Director and Founder, Displacement Solutions

1. See, www.displacementsolutions.org for details of the process leading to the adoption of the *Peninsula Principles*. [↑](#footnote-ref-1)
2. See: Scott Leckie and Chris Huggins (eds), *Repairing Domestic Climate Displacement: The Peninsula Principles*, Routledge, 2016. [↑](#footnote-ref-2)
3. For instance, DS led global efforts to develop the pioneering *Peninsula Principles on Climate Displacement Within States (2013)*. [↑](#footnote-ref-3)
4. The government of Australia's Department of Climate Change, for instance, has estimated that a "high end scenario" of a 1.1m rise in sea levels around Australia by 2100 could expose $226 billion of assets to damage and destruction, including to 274,000 residential homes as well as almost 15,000 commercial or industrial buildings and 35,000km of road and rail. To highlight this, the government has released dramatic maps that model the impact of sea rise on selected coastal communities, allowing people to view for themselves whether their house, street or suburb will survive the projected rise. Source: Cameron Stewart, 'Anger rises ahead of the sea' in *The Weekend Australian* (July 30-31 2011). While of vital importance in terms of revealing the extent to which this one country will face the human consequences of climate change and resultant displacement and various financial losses, precisely what will or should be done to assist those affected, including the provision of compensation or other forms of assistance for those affected, has not yet been discussed let alone decided. See also Kim S. Alexander, Anthony Ryan and Thomas G. Measham *Managed Retreat of Coastal Communities: Understanding Responses to Projected Sea level Rise,* Socio-Economics and the Environment in Discussion, CSIRO Working Paper Series 2011-01, January 2011. [↑](#footnote-ref-4)
5. See, for instance, M. Loughry, ‘The Case of the Carterets’, Presentation at Conference on Climate Change and Migration in Asia-Pacific, Gilbert + Tobin Centre of Public Law, University of New South Wales, 10-11 November 2011, available online at: tv.unsw.edu.au/video/climate-change-and-migration-session-2. [↑](#footnote-ref-5)
6. See an overview of the work of Tulele Peisa in: Ursula Rakova, ‘The Sinking Carterets Islands: Leading Change in Climate Change Adaptation and Resilience in Bougainville, Papua New Guinea’ in *Land Solutions for Climate Displacement* (Scott Leckie, ed), Routledge/Earthscan, 2014. [↑](#footnote-ref-6)
7. http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/papua-new-guinea-climate-displacement/. [↑](#footnote-ref-7)
8. Displacement Solutions (2014). *The Peninsula Principles in Action. Climate Change and Displacement in the Autonomous Region of Gunayala, Panama. Available here:* [*http://displacementsolutions.org/wp-content/uploads/Panama-The-Peninsula-Principles-in-Action.pdf*](http://displacementsolutions.org/wp-content/uploads/Panama-The-Peninsula-Principles-in-Action.pdf)*;* Displacement Solutions (2015). *One Step at a Time. The Relocation Process of the Gardi Sugdub Community in Gunayala, Panama*. Available here: <http://displacementsolutions.org/wp-content/uploads/2015/07/One-Step-at-a-Time-the-Relocation-Process-of-the-Gardi-Sugdub-Community-In-Gunayala-Panama.pdf>. [↑](#footnote-ref-8)