



## DISPLACEMENT SOLUTIONS

15 January 2024

**Re: Submission for the Secretary-General's Analytical Study on Loss and Damage  
(HRC Res 53/6 of 7 July 2023, A/HRC/RES/53/6)**

Dear Secretary-General,

Displacement Solutions (DS) is honoured to present five recommendations on the issue of loss and damage as it relates to climate change and the human displacement generated by it. DS bases these recommendations on its extensive work on climate displacement theses since its founding in 2006.

DS has worked directly with communities threatened by and experiencing climate displacement in more than 25 countries and has produced dozens of books, reports, films and articles on a wide range of themes relating to the rights of those affected by climate displacement all of which are available for review on [www.displacementsolutions.org](http://www.displacementsolutions.org).

The effects of climate change are clear and apparent and require no elaboration here. Rather, we would like to recommend five practical and concrete actions that can be undertaken by all States to ensure that measures concerning loss and damage are fully informed by the centrality of how loss and damage negatively affects the enjoyment of human rights, with an emphasis on housing, land and property (HLP) rights.

These are as follows:

## **(1) Housing, Land and Property Rights are the Main Individual Rights Undermined Due to the Effects of Climate Change**

Climate change in all of its manifestations has generated extensive and growing financial losses for all countries, now measured in *trillions* of US dollars.<sup>1</sup> At the level of individual and community rights, it is with regard to HLP rights where the losses are most immediate and tangible. As just one example, in just one of Australia's states, Victoria, with a population of 6.7 million, property losses alone are calculated to amount to almost US\$ 300 billion by 2100.<sup>2</sup> What these figures mean is that people lose their ancestral lands and homes, their assets, their income generating options, their culture, their community and all too often their lives.

Three specific measures could be suggested to States today to begin addressing the HLP rights issues arising from climate loss and damage:

First, the HLP rights of climate displaced persons and the legal and other measures required by States to respect and enforce them are widely recognised under international human rights law.<sup>3</sup> These are elaborated in detail within the normative framework developed under the *Peninsula Principles on Climate Displacement Within States (2013)*, a document that States should explicitly be urged to comply with by the Secretary General.<sup>4</sup>

Secondly, all governments should be specifically reminded of their pre-existing HLP and related obligations to accurately diagnose climate displacement threats and to regularly inform all coastal dwellers along the world's 365,000 kms of coastline and all others threatened by flooding of any kinds of the climate and displacement threats facing dwellers over the short-, medium- and long-term and to take protective measures accordingly.

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<sup>1</sup> As noted by David Wallace-Wells in *The Uninhabitable Earth: A Story of the Future* (Allen Lane, 2019): 'Every degree of warming, it's been estimated, costs a temperate country like the United States about one percentage point of GDP, and according to one recent paper, at 1.5 degrees the world would be \$ 20 trillion richer than at 2 degrees. Turn the dial up another degree or two, and the costs balloon – the compound interest of environmental catastrophe. 3.7 degrees of warming would produce \$ 551 trillion in damages, research suggests. (p. 27)

<sup>2</sup> <https://www.theage.com.au/environment/climate-change/the-suburbs-most-under-threat-from-rising-seas-revealed-20240109-p5ew21.html>.

<sup>3</sup> See, for instance: Scott Leckie, *Housing, Land and Property Rights: Residential Justice, Conflict Zones and Climate Change*, Routledge, 2023.

<sup>4</sup> [https://issuu.com/displacementsolutions/docs/dis6597\\_peninsula\\_principles\\_10y\\_english\\_v1\\_2\\_sml](https://issuu.com/displacementsolutions/docs/dis6597_peninsula_principles_10y_english_v1_2_sml).

Thirdly, strict rules should be established by all countries to regulate the behaviour of real estate companies and agents to disclose any and all climate and flood threats of any homes subject to such threats to all prospective buyers.

## **(2) National Climate Land Banks Should be Established by Every Government**

As is widely accepted, hundreds of millions of people (and perhaps many more than that) will be forced by the consequences of climate change to leave their present homes to seek new HLP solutions in safer locations.<sup>5</sup> Ensuring access to viable and high-quality land and housing resources by all climate displaced persons must form a priority response to addressing climate displacement by all governments, both those causing climate change and those responsible for protecting HLP rights at the domestic level.<sup>6</sup> The necessity of this is reflected in the 2016 *Climate Land Statement* issued in Geneva in 2016.<sup>7</sup>

All States should be encouraged to establish *National Climate Land Banks* to identify, acquire and hold in trust public land that is zoned for the exclusive use as relocation sites for climate displaced communities and persons.<sup>8</sup> Research carried out over a ten-year period from 2013-2023 by Displacement Solutions shows undisputedly that more than enough land exists to rehouse climate displaced persons. Viewed in global terms, only 0.14% of all of Earth's land surface would be sufficient to rehouse all climate displaced persons. It is clearly not a question of land supply but one of facilitating *access* to such land. Such access can be secured by most States (with the exception of small island nations facing existential threats) through the establishment of official agencies that have removed large land parcels from the market, re-zoned it as climate displacement land, and subsequently allocate those in need.

## **(3) National Climate Displacement Ministries Should be Established by Every Government**

All governments should establish *National Climate Displacement Ministries* to coordinate all necessary legal and policy measures to protect the rights of everyone facing displacement

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<sup>5</sup> See, for instance: Gaia Vince, *Nomad Century: How to Survive the Climate Upheaval* (Allen Lane, 2022).

<sup>6</sup> [https://issuu.com/displacementsolutions/docs/displacement\\_solutions\\_-\\_land\\_and\\_climate\\_change](https://issuu.com/displacementsolutions/docs/displacement_solutions_-_land_and_climate_change).

<sup>7</sup> [https://issuu.com/displacementsolutions/docs/climate\\_land\\_statement\\_2016](https://issuu.com/displacementsolutions/docs/climate_land_statement_2016).

<sup>8</sup> [https://issuu.com/displacementsolutions/docs/dis5757\\_myanmar\\_national\\_climate\\_la](https://issuu.com/displacementsolutions/docs/dis5757_myanmar_national_climate_la).

because of the effects of climate change. The design and functions of such ministries could be outlined in detail in a recent DS publication.<sup>9</sup>

#### **(4) Equitable and Accessible Climate Insurance Programmes Should be Established by Every Government**

The overwhelming majority of those affected by climate displacement do not and will not have access to any form of flood or related climate insurance. Wealthy countries should develop sustainable national climate insurance programmes for domestic purposes, as well as forming an international consortium to fund a global climate insurance fund that could be accessed by Least Developed and other vulnerable countries.

#### **(5) An International Climate Displacement Levy Should be Established by Every Government**

The Intergovernmental Panel on Climate Change estimates that 1.6-3.8 trillion USD (1.6T-3.8T USD) in climate financing will be needed each year to avoid warming of more than 1.5C in a world with an annual global GDP of 105 trillion USD, a considerable portion of which is owned and controlled by the world's 2,800 billionaires.

*A Climate Displacement Levy* on the world's 2,800 billionaires at 1% of their respective fortunes every year for a period of 25 years could pay for the re-housing of 400 million people or more who are expected to be displaced by climate change. Such a levy would raise 10 million USD per year per billion USD held by each billionaire. In total, the levy could raise USD 3.6T over a 25-year period, more than enough to rehouse everyone displaced by climate change.

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We hope these proposals are of interest for your upcoming report. We have intentionally kept this submission short and uncomplicated in the anticipation that the practical recommendations it contains will find inclusion within the important report you are preparing.

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<sup>9</sup> [https://issuu.com/displacementsolutions/docs/displacement\\_solutions\\_-\\_position\\_paper\\_2](https://issuu.com/displacementsolutions/docs/displacement_solutions_-_position_paper_2)

Thank you very much for your consideration and the opportunity of submitting our recommendation on these extremely important matters.

Sincerely,

Scott Leckie

Director

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