



FINDING LAND SOLUTIONS TO CLIMATE DISPLACEMENT: A CHALLENGE LIKE FEW OTHERS

Scott Leckie | October 2013



DISPLACEMENT SOLUTIONS



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LAND UNDER THREAT IN BANGLADESH

Image: Kadir van Lohuizen / NOOR

Location: Khulna, Bangladesh



CONTENTS

EXECUTIVE SUMMARY	1
I. THE QUEST TO RESOLVE CLIMATE DISPLACEMENT	4
1. Introduction	4
BOX 1: The DS Climate Change and Displacement Initiative (CCDI)	8
2. The Housing, Land and Property Rights Dimensions of Climate Displacement	12
BOX 2: What are HLP Rights?	15
3. Climate Displacement in Action: Countries Affected and Efforts to Protect HLP Rights Thus Far	22
Papua New Guinea (The Carteret Islands)	26
BOX 3: The DS Bougainville HLP Initiative	30
Kiribati	32
BOX 4: One Man's Difficult Choice in Kiribati: To Stay or Go?	38
Tuvalu	46
Fiji	51
BOX 5: The DS Pala Project	52
Bangladesh	55
BOX 6: The Impacts of Climate Change on Bangladesh	60
II. POSSIBLE LAND SOLUTION TOOLS TO RESOLVE CLIMATE DISPLACEMENT	62
BOX 7: The Bangladesh HLP Initiative	63
4. National and International Land Acquisition	65
5. Planned Relocation	72
BOX 8: The Complex Features of Customary Law in Kiribati	74
6. Creating and Empowering National Agencies and Institutional Mechanisms	76
7. Conclusions: Land and Political Will Can Solve Climate Displacement	77

ANNEX 1:		
THE PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT		
WITHIN STATES (18 AUGUST 2013)		84
Preamble		85
Introduction		87
Principle 1:	Scope and purpose	87
Principle 2:	Definitions	87
Principle 3:	Non-discrimination, rights and freedoms	87
Principle 4:	Interpretation	88
I.	GENERAL OBLIGATIONS	88
Principle 5:	Prevention and avoidance	88
Principle 6:	Provision of adaptation assistance, protection and other measures	88
Principle 7:	National implementation measures	89
Principle 8:	International cooperation and assistance	89
II.	CLIMATE DISPLACEMENT PREPARATION AND PLANNING	91
Principle 9:	Climate displacement risk management	91
Principle 10:	Participation and consent	91
Principle 11:	Land identification, habitability and use	94
Principle 12:	Loss and damage	95
Principle 13:	Institutional frameworks to support and facilitate the provision of assistance and protection	95
III.	DISPLACEMENT	97
Principle 14:	State assistance to those climate displaced persons experiencing displacement but who have not been relocated	97
Principle 15:	Housing and livelihood	97
Principle 16:	Remedies and compensation	98
IV.	POST-DISPLACEMENT AND RETURN	98
Principle 17:	Framework for return	98
V.	IMPLEMENTATION	99
Principle 18:	Implementation and dissemination	99
ANNEX 2:		
THE DISPLACEMENT		
SOLUTIONS CLIMATE DISPLACEMENT INITIATIVE		100



VULNERABLE VILLAGES:
15-30 MILLION BANGLADESHIS
FACE THE VERY REAL THREAT
OF CLIMATE DISPLACEMENT

Image: Kadir van Lohuizen / NOOR
Location: Galia Khali, Bangladesh



CONTEMPLATING AN
UNCERTAIN FUTURE:
CLIMATE DISPLACED
PERSONS IN KUNA
YALA, PANAMA

Image: Kadir van Lohuizen / NOOR

Location: Panama



EXECUTIVE SUMMARY

- i. Climate displacement - a phenomenon expected to eventually affect hundreds of millions of people - by its very nature implies that people and communities can no longer reside in their traditional homes and that they will require new living arrangements to replace their former homes and lands. This much is clear. What is less clear, however, is where these people will go, who is responsible for them and what policies should be pursued to give climate displaced people the best chance to start life over in the most dignified manner possible. This report examines several land-based approaches that may hold out a measure of hope for those displaced by climate change. These include: national and international land acquisition, voluntary internal relocation and creating and empowering national agencies and institutional mechanisms.
- ii. In addition to providing a unique analysis of the interaction between climate adaptation and ongoing development programs, this report proposes a series of possible land solutions to climate displacement which are designed to ensure that the full spectrum of human rights of all of those affected are enjoyed in full. This report is based primarily on the in-country work of Displacement Solutions on the issue of climate displacement since it commenced these efforts in 2007.
- iii. The report concludes that everyone affected by climate change is a rights-holder and, correspondingly, that governments are obliged to undertake measures to ensure that their rights are enjoyed in full, based on six foundational perspectives:
 - 1. Everyone displaced within their State by the effects of climate change possesses, under international and domestic human rights law, the full spectrum of housing, land and property rights.
 - 2. Housing, land and property rights must form core components in the development and enforcement of domestic laws and policies designed to resolve climate displacement.
 - 3. All governments currently possess legal obligations under human rights law to respect, protect and fulfill the housing, land and property rights of everyone under their jurisdiction, including persons, families and communities displaced due to climate change.
 - 4. Existing social realities, developmental processes and adaptation projects within the countries most affected by climate change are largely *ad hoc* in nature and have not yet been combined into comprehensive policies that lead to human rights-based and land-based solutions to climate displacement.

5. National and international land acquisition, voluntary internal relocation and the creation and empowerment of national agencies and institutional mechanisms, if carried out in a manner that fully respects the housing, land and property rights of people negatively affected by the consequences of climate change can, if combined with additional measures, form solid foundations for securing housing, land and property rights for everyone displaced due to climate change.
 6. Securing the rights of climate displaced persons will require public expenditure from both domestic and international sources. To date, domestic, bi-lateral and multi-lateral funding for adaptation measures aimed to resolve climate displacement have lagged far behind expenditures of mitigation measures designed to reduce the impacts of climate change. Funds need to be urgently allocated towards adaptation measures in all of the heavily affected countries with clear earmarks for land-based solutions to climate displacement.
- iv. Ultimately, as with virtually all efforts to improve human rights prospects throughout the world, these processes to protect the housing, land and property and other rights of climate displaced persons and communities will likely only eventuate when civil society in all corners of the globe demand as much. Based on a high-end estimate of 250 million climate displaced persons, we estimate that only 0.14% of Earth's surface area would be required to relocate and re-house the estimated climate displaced population in coming decades; 1/700th of our planet's land mass is surely an amount of land that we can identify, acquire, access and transfer to those in most need. Despite the fact that it is increasingly clear where climate displacement will occur and which people and settlements are most likely to be affected, well-organised popular movements of climate displaced communities and their allies are only in their nascence, and in some locales are effectively non-existent.
- v. DS believes that in the absence of large popular movements for climate justice it is unlikely that new normative frameworks and weak statements by inter-governmental gatherings by themselves will bring the changes required to ensure that the HLP rights of all climate displaced persons and communities will be protected and respected everywhere. When we stand in the shoes of those displaced by climate change, close our eyes and imagine the reality that confronts them, how can any caring person not join the growing movement for climate justice and create options for the displaced where none now exist?



Scott Leckie,
Founder and Director – Displacement Solutions

*“As a realist I can perhaps see
the inevitability of migration. But
on a personal level, I have no wish
to live anywhere else – this is my
home, this is where my ancestors lie,
and this is the only place where
I can fully be the person I am
– a woman of Kiribati.”*

Linda Uan, Kiribati (2013)

*Image: Jocelyn Carlin
Location: Kiribati*



I. THE QUEST TO RESOLVE CLIMATE DISPLACEMENT

1. INTRODUCTION¹

1. If it hasn't done so already, in the very near future climate displacement is likely to dwarf current levels of displacement caused by natural disasters, conflict and poorly implemented development projects, with most estimates pointing to more than one hundred million people facing the potential loss of their homes, lands and properties in coming decades, and possibly many more.² Beyond the social and economic consequences that this displacement will cause for the very large numbers of people concerned in what are already often poor, developing countries, international and national laws and policies, and the institutions in place to enforce them are arguably not yet capable of ensuring that the rights of climate displaced persons and communities will be fully respected and protected. Without appropriate, well-targeted and adequately funded action, millions upon millions of people – all of whom are rights-holders – run the risk of becoming both homeless and landless, and in the process suffering losses of rights, livelihoods and the ordinary attributes of a full and dignified life. The passage of time has not, sadly, reduced the estimate levels of future climate displacement. As a June 2013 report covered by the BBC worryingly notes:

More than 3 billion people live in coastal areas at risk of global warming impacts such as rising sea levels – a number expected to rise to 6 billion by 2025. Sea-level rise due to climate change has already doubled the risk of extreme flood events in coastal cities, and the greater population of Anthropocene cities only puts more lives at risk. For example, a study shows that during Hurricane Sandy in 2012, as many as 100,000 extra people were at risk of flooding for every foot of water in New York. More than half of the population of America's coastal cities live below the high-tide mark....What's the solution? Some cities are investing in new sea walls, dykes and polders, or high-tide gates – like London's Thames Barrier – to hold back high waters. In poorer places, people simply endure the problem until they are forced to abandon their homes.³

¹ Displacement Solutions would like to express its sincere gratitude to the German Ministry of Development Cooperation (BMZ), in particular, Marita Steinke (Head of Human Rights Division), for their financial support for this and related projects.

² Estimates of how many people will be displaced because of climate change have been made since the early 1990s. The first *Assessment Report of the IPCC* in 1990 estimated that by 2050 some 150 million people could be displaced due to climate change (See: Oli Brown "The Numbers Game" in *Forced Migration Review*, vol. 31, October 2008), a figure also echoed by Norman Myers of Oxford University who also predicted that, as a conservative estimate, the number of people set to be displaced by climate change would be 150 million, a figure he later expanded to 200 million (Norman Myers, "Environmental Refugees in a globally warmed world" in *BioScience*, 43 (11), December 1993 and "Environmental refugees: an emergent security issue", OCSE, 2005. Christian Aid estimates a higher figure of some 200-250 million people will face forced displacement. Christian Aid, Human tide: *The real migration crisis*, 2007. Al Gore's book *An Inconvenient Truth* speaks of 20 million people being displaced in the Beijing area alone, with an additional 60 million who may be forced to move in Kolkatta and in neighbouring Bangladesh (Al Gore, *An Inconvenient Truth: The Planetary Emergency of Global Warming and What We Can Do About It*, Rodale Books, 2006).

³ <http://www.bbc.com/future/story/20130613-the-rising-threat-to-our-cities/2> (accessed 14 June 2013).

2. While many of the estimates made in the 1990s may have been largely theoretical, it is clear that these processes are already well underway. According to another 2013 report:

The Global Estimates report reveals that 32.4 million people were forced to flee their homes in 2012 by disasters such as floods, storms and earthquakes. While Asia and west and central Africa bore the brunt, 1.3 million were displaced in rich countries, with the USA particularly affected...98% of all displacement in 2012 was related to climate- and weather-related events, with flood disasters in India and Nigeria accounting for 41% of global displacement in 2012. In India, monsoon floods displaced 6.9 million, and in Nigeria 6.1 million people were newly displaced. While over the past five years 81% of global displacement has occurred in Asia, in 2012 Africa had a record high for the region of 8.2 million people newly displaced, over four times more than in any of the previous four years.⁴

3. Yet another report asserts that an estimated 26 million of the 350 million displaced world-wide are people displaced by climate change.⁵ Many other reports give similar figures, revealing beyond doubt that climate displacement is here to stay, and that the processes leading to climate displacement are *already occurring*. Tens of thousands of Bangladeshis have already given up on low-lying coastal areas and are moving to higher ground in the east of the country or staking out claims in Dhaka's already crowded slums. Further thousands of Kuna Indians in Panama are moving from their Caribbean island homes to the mainland as their traditional lands slowly no longer afford them the dwelling possibilities of the past because of inundation. Villagers in the Solomon Islands have begun evacuating long-inhabited settlements for safer areas within the boundaries of their customarily held lands, while inhabitants in places such as Newtok village in the US state of Alaska have already begun their trek to nearby Nelson Island to a new settlement because of climate effects and erosion in their place of habitual residence. The Carteret Islanders in Papua New Guinea have slowly begun their relocation to the larger island of Bougainville. And this is just the beginning.
4. Indeed, these are just some of the examples of climate displacement throughout the world. The in-country work of Displacement Solutions' (DS) Climate Change Displacement Initiative has directly witnessed the effects and reality of climate displacement in a growing number of countries including Bangladesh, Fiji, Kiribati, Maldives, Myanmar, Panama, Papua New Guinea, Solomon Islands, Tuvalu and others. DS has witnessed this first-hand on numerous occasions, and has led us to engage with various people and organisations in efforts to both raise the profile of climate displacement on global and national political agendas, and to seek concrete and precise land-based solutions to the growing spectre of climate displacement throughout the world. The findings of some of our field-level work on these issues are included in a 14 chapter volume entitled *Land Solutions to Climate Displacement*, to be published by Routledge/Earthscan in 2014, as well as a range of other publications we have produced detailing the effects of climate

⁴ IMDC & NRC, *Global Estimates 2012: People displaced by disasters*, Geneva, May 2013. In a report one year earlier, the groups stated that: "Millions of men, women and children around the world are displaced from their homes each year by sudden-onset disasters caused by natural hazard events. This study finds that 17 million people were newly displaced by sudden-onset disasters worldwide in 2009, and over 42 million people in 2010. 36 million were displaced in 2008 by such disasters. ...Climate-related disasters - primarily floods and storms - continued to be the main sudden-onset triggers responsible for most of the displacement in 2009 and 2010. They caused the displacement of over 15 million people in 2009 and over 38 million people in 2010. ...Large-scale disasters dominated the global figures and the world's attention. They caused more than 90 per cent of total displacement reported in 2009 and 2010. (IMDC & NRC, *Displacement due to natural hazard-induced disasters: Global estimates for 2009 and 2010*, Geneva, June 2011, p. 4).

⁵ Global Humanitarian Forum, 2009, *The Anatomy of a Silent Crisis: Human Impact Report Climate Change*, Geneva.

displacement and the human rights implications of these developments.⁶ DS was one of the first international organisations to both identify land acquisition and provision as key elements within any effective strategy to resolve climate displacement.⁷ DS has worked on plans to secure such land parcels in both Bangladesh and Papua New Guinea, and has sponsored research in Kiribati, the Maldives, PNG, the Solomon Islands, Tuvalu and elsewhere to explore the dynamics of these measures. In Bangladesh we have worked with several local partners, most notably, Young Power for Social Action (YPSA) in Chittagong on various climate displacement projects, including a 2013 project which resulted in the identification of ten specific land parcels in the country that could be allocated and/or reserved for relocating climate displaced communities. The DS-YPSA Bangladesh HLP Initiative has detailed plans for expansion from 2014-2018 during which time we hope to be able to report about large-scale processes involving the acquisition of land for climate displaced communities throughout the country. While in PNG, in 2008, DS hosted stakeholder negotiations designed to assist in finding land solutions to looming atoll displacement. In addition, DS put together a detailed plan which – had it been implemented by the government at the time – would have resulted in more than 2,700 hectares of land being made available on the island of Bougainville for the possible resettlement of the entire population of the Carteret Islands, work we carried out in partnership with local groups dedicated to assisting the Carteret Islanders in their quest for new land. DS has also worked extensively in both Kiribati and Tuvalu, two of the world's most threatened atoll nations, in attempting to craft viable means for protecting the people, culture and homes of their populations, while at the same time exploring relocation options that may best serve the overlapping interests of human rights, cultural preservation and economic viability. In Australia – which itself has already begun to plan for various climate change scenarios involving displacement and the loss of lands and assets⁸ – the Director of DS teaches several law school courses on climate displacement, aiming to train some of Australia's future lawyers on how to best address climate displacement through human rights-based approaches to this challenge. DS also runs the Coastal Kids Project which places 10-12 year-old students in one Australian school in direct contact with other coastal dwelling children in countries such as Bangladesh and Thailand to exchange ideas of what it's like to be a coastal kid in the era of climate change and displacement; a process that often results in remarkably moving experiences for the school kids of the next generation.⁹ Since 2012, DS has been coordinating a Climate Displacement Law Project that aims to build a normative framework on the rights of climate displaced persons and communities, and which has resulted in a universally applicable text called the *Peninsula Principles on Climate Change Displacement*.¹⁰ In addition, DS has drafted a model national climate- and HLP rights-sensitive planning law intended to inspire new domestic legislation in climate-affected countries. In 2013, DS commenced its *Where Will They Go Project* which involves research and photographic explorations of seven places around the

⁶ For a comprehensive overview of DS work on climate displacement, see: <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative>.

⁷ See: Displacement Solutions, *Climate Change Displaced Persons and Housing, Land and Property Rights: Preliminary Strategies for human rights-based Planning and Programming to Resolve Climate-Induced Displacement*, 2009.

⁸ 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.

⁹ For an overview of the project, see the Coastal Kids Project section of the DS website - <http://displacementsolutions.org/ds-initiatives/the-coastal-kids-project>.

¹⁰ For an overview of this project, see the Climate Displacement Law Project section of the DS website - <http://climate.displacementsolutions.org>.

world where climate displaced people are likely to migrate to. Furthermore, DS is currently seeking support for another project it is calling the *Preparing the Ground Project* which aims to build community-based initiatives in both Kiribati and Tuvalu to act as focal points for citizen concerns about looming climate displacement, with a focus on possible relocation to two locales in Fiji.



BOX 1: THE DS CLIMATE CHANGE AND DISPLACEMENT INITIATIVE (CCDI)

The Climate Change and Displacement Initiative (CCDI) is an ongoing initiative instigated in 2007 designed to find practical and viable housing, land and property solutions for climate displaced persons. Through human rights-based and innovative policy and strategy development, targeted workshops, network building, awareness raising, publications, original research and other activities, the Initiative seeks both to inform the world of the massive scale of displacement which will affect climate displaced persons in the years and decades to come, and to advocate for human rights-based solutions to this form of displacement, both within the nations affected and through regional and international resettlement initiatives. The Initiative seeks to achieve these aims through: Examining the precise scale and circumstances confronting present and future forced climate displaced persons within an initial focus on five countries: Bangladesh, Kiribati, Maldives, Papua New Guinea and Tuvalu; Examining existing adaptation measures in each of the focus countries and the extent to which these are adequate in addressing the displacement challenges ahead; Examining the extent to which local housing, land and property remedies for climate displaced persons are available, and conversely, the scale of inter-country forced migration likely to affect nearby safe countries, with a focus on New Zealand and Australia; Developing detailed contingency plans, resettlement feasibility studies, institution-building proposals and other steps to ensure the HLP and other rights of forced climate displaced persons; and Raising the public profile of the issue of climate displacement, through the production of unique films, publications, training and other public relations materials.

5. Based on these and many other efforts, DS has gained vital knowledge and learned many crucial lessons in our more than six years working with people and communities in a wide cross-section of countries affected by climate displacement. We are beginning to identify and understand the unique qualities of the actual territorial locations (land parcels) where climate displacement will likely take place (or has taken place) in most of the countries where we work, how many people will be affected (or are being affected) and the general time-frame during which this is most likely to occur (or is occurring). We now know which other people and organisations are working to resolve climate displacement¹¹ and which institutions will be required to provide the assistance needed to protect the rights of climate displaced persons and communities. What we have also learned, however, is that in all of the countries where we have worked the laws, policies and plans required to deal effectively in a human rights-based manner with finding sustainable solutions to climate displacement are still largely not in place.¹² Exploring several of the ways and means of bridging this gap is the main purpose of the present report. We believe that it is time to instigate a meaningful and comprehensive global debate and discussion on how climate displaced people and communities can best be assisted to grapple with the personal consequences of land and asset loss, flight from places of habitual residence and the need to find new homes and lands for lost homes and lands. We need to explore in far more depth the precise role of land as a solution to climate displacement, and how land resources can be acquired for climate displaced communities. This point has been gaining credence within the international community, as exemplified by several recent publications by leading international agencies such as the Asian Development Bank.¹³ And while we are energized by this and other pronouncements, there is still an almost excruciatingly long way to go before enough land is acquired and allocated to the world's growing climate displaced population.
6. The issue of climate displacement is a multi-dimensional one, and we recognize clearly that innumerable approaches can be taken in analyzing how best to address this social phenomenon.¹⁴ It is a problem that will not go away on its own, and one that will only increase in both scale and severity in coming years. Based on our experience in countries already affected by climate displacement and our close partnerships with people and organisations in these countries, we believe that a community-led, land-based approach to resolving climate displacement holds out considerable prospects for achieving the dual aims of protecting the rights of climate displaced people, while simultaneously securing for them sustainable, viable and practical ways to resolve climate displacement. The present report, therefore, briefly examines the reality and dynamics of

¹¹ In 2014, DS will publish a global overview of all local, national, regional and international organisations that we are aware of that are engaged in efforts to draw attention to and assist in resolving climate displacement. This publication will be available on www.displacementsolutions.org.

¹² See: Anthony Oliver-Smith, Susan L. Cutter, Koko Warner, Cosmin Corendea and Kristina Yuzva, *Addressing Loss and Damage in the Context of Social Vulnerability and Resilience*, UNU-EHS Publication Series: Policy Brief No. 7/Nov 2012, which supports this contention: "Unfortunately, to date, neither the concept of social vulnerability or social resilience has yet led to policies or practices that have significantly reduced losses or damages related to climatic stressors in much of the world. This is in part because of a continuing scientific and policy emphasis on the biophysical processes, rather than how these processes interact with human society. There is a bias in the pervading neoliberal economic regime that privileges economic growth over sustainable development" (p. 17).

¹³ A 2012 report by the ADB (Asian Development Bank, *Addressing Climate Change and Migration in the Asia and the Pacific*, Final Report, 2012, pp. 48-49) rightly recognizes the importance of land rights within countries (and across borders) affected by climate change, and thus by inference, the need for secure HLP rights for everyone now in countries likely to generate climate displacement: "Land-owning families choose other coping strategies under hardship, eg. they might send a family member to a nearby city or town or try to diversify their livelihood strategies. After disasters, homeowners tend to remain in the area to reclaim their land and secure property as soon as the disaster situation has resolved....In destination areas, land tenure issues can lead to competition and conflicts with host communities. It is therefore crucially important that migrants are provided with adequate housing, land and property in these areas. Unequal distribution of land can lead to integration issues for new migrants and hinder adaptation and disaster risk reduction strategies."

¹⁴ For instance, our colleagues at the UNU-EHS have focused recently on the question of rainfall changes and how this has affected human mobility. See: Intersections No. 10/Jun 2012 UNU-EHS Publication Series, *Rainfall Variability, Food Security and Human Mobility: An Approach for Generating Empirical Evidence*, UNU, et al, and Koko Warner, Tamer Afifi, Kevin Henry, Tonya Rowe, Christopher Smith, Alez de Sherbinin, *Where the Rain Falls: Global Policy Report - Where the Rain Falls: Climate Change, Food and Livelihood Security, and Migration: An 8-Country Study to Understand Rainfall, Food Security and Human Mobility*, UNU-EHS, November 2012.

climate displacement in several of the countries which are most heavily affected, or which will be in the future, and then focuses on how land-based solutions to these new forms of displacement can be found to assist in securing durable solutions to everyone in need of new homes on new land. Among other issues considered in the following analysis, the report reviews three primary areas that may hold considerable promise in finding viable, human rights-based solutions to climate displacement, including national and international land acquisition, voluntary internal relocation and creating and empowering national agencies and institutional mechanisms.

7. With the exception of our overview of Fiji's possible role in assisting in the resolution of climate displacement in Kiribati and Tuvalu below, the paper focuses primarily on internal (domestic) land-based solutions to climate displacement and not the issue of international migration or resettlement.¹⁵ While many small island states face extremely worrying prospects that will almost inevitably involve flight from their island homes, it is largely agreed that in terms of the numbers of people and communities affected, most climate displacement throughout the world will lead to measures involving internal resilience by people and communities including spontaneous/unorganised migration, voluntary planned relocation and climate-sensitive planning processes that guide threatened communities to safer residential options. This report provides evidence that domestic land-based solutions to climate displacement may be more feasible than generally thought, even though they are clearly of limited utility in some of the more heavily affected countries. Unfortunately, most of the international attention given to the question of climate displacement focuses on questions of cross-border migration and the relevance (or not) of treaties such as the UN Refugee Convention (1951) and the need to fill the legal protection gap that exists in this regard, despite the fact that the overwhelming majority of those actually living in countries heavily affected by climate change wish to remain in their own countries as long as this is physically possible and economically viable.¹⁶ This, in turn, raises the larger issue of how best to approach the phenomenon of climate displacement from the perspective of State and international policy. This report takes the view that everyone displaced by factors and circumstances beyond their control or responsibility must be treated first and foremost as rights-holders, possessing rights under both national and international laws, with these rights generating corresponding obligations on behalf of the relevant governments concerned. Using HLP rights as the basis for concerted State action in support of the rights of affected persons and communities has, we believe, immense potential and utility if done correctly, adequately resourced and carried out in a timely manner.
8. Moreover, as DS has long attested, disproportionate attention has been paid by analysts, researchers, governments and international organisations to international migration and resettlement due to climate change, often to the detriment of exploring what are in many instances viable, affordable and human rights-based and land-based solutions to displacement within the borders of many of the countries affected.¹⁷ Some may argue that solutions to climate displacement will not necessarily hinge on the application of planned, human rights-based approaches within a

¹⁵ This latter theme is a main focus of the newly established Nansen Initiative, a multi-governmental process that aims to develop a protection agenda for international migrations of people due to natural disasters including climate change. See: <http://www.nanseninitiative.org>.

¹⁶ The furthest the UNFCCC process has come in addressing these issues, a decision at COP-18 entitled 'Approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change to enhance adaptive capacity' which goes about as far as any international agreement to date by acknowledging 'the further work to advance the understanding of an expertise on loss and damage, which includes, inter alia, the following: (a) enhancing the understanding of: (vi) how impacts of climate change are affecting patterns of migration, displacement and human mobility'.

¹⁷ This view is backed by many, such as Graeme Hugo when he asserted that "[the] option of resettlement has so heavily dominated the discourse on the impacts of climate change that it has been a barrier to a wider consideration of the full range of adaptation options." See: Graeme Hugo, 'Climate Change-Induced Mobility and the Existing Migration Regime in Asia and the Pacific' in McAdam, (ed) *Climate Change and Displacement: Multidisciplinary Perspectives*, Hart Publishing, 2010, 24.

nation's borders, but rather come down to a question of how and to what degree spontaneous (eg. non-organised) migration (both internal and external) can be facilitated over time. Such positions take the view that rather than treating each person, household or community as holders of rights and thus subject to specific and targeted interventions and procedures designed to procure for them new land for lost land and new homes for lost homes and other appropriate remedies, the policy approach that would be easiest, most affordable and – in their eyes – most likely to succeed would simply be to open and/or expand migration pathways and hope for the best; out of sight, out of mind. Given the complexities, difficulties and multi-layered elements comprising any human rights-based system of resolving climate displacement, in particular when complex land issues are included in the equation, such hands-off views are certainly understandable, particularly for poor, indebted and cash-starved countries, as many of those heavily affected by climate change and climate displacement sadly are. However, we believe that proponents of international migration as a solution to climate displacement often neglect to bear in mind some basic lessons of an increasingly migratory world, many of which are directly relevant to the question of climate displacement, and that indicate why international migration may not be as viable an option for one population group as it may be for another. It is easy to assert that migration is the best solution to climate displacement, but looking more closely at this question reveals some major drawbacks of such an approach. For instance, in the absence of targeted measures to assist them, the poorer, older, sicker, less educated and employable and more vulnerable sectors of any society, including climate-affected nations, are far less likely or able to migrate even when circumstances provide them with virtually no viable local options, *and it is precisely these population groups that require the most direct support and assistance when seeking to resolve climate displacement*. Indeed, in hundreds of discussions and interviews with people from all income and social groups in a range of climate-affected countries over the past six years, DS has found that there is a direct correlation between educational and income levels and the distance to which people who are contemplating possible migration may wish to traverse.¹⁸ Those with access to capital and skills of interest to countries of possible migration are far more likely to have detailed migration plans in place than those with less socio-economic options. This reality is of tremendous importance in determining how best to formulate solutions to climate displacement, for those with least access to financial resources and generally those with lower levels of political power or participation, are in fact the ones most in need of assistance; assistance which is far more likely to occur within the borders of countries than within new host countries of migration. What will occur in countries whose climate prognosis is poor – in particular countries such as Kiribati, Maldives, Marshall Islands, Tuvalu and

¹⁸ These views are confirmed by a range of researchers. Barnett and Webber, for instance, include the following sentiments in a recent article: "Indeed, the number of people who cannot migrate in response to climate change (because they are poor, old, ill or face insurmountable barriers to movement) may far exceed the number that do, and there will be those who do not wish to move in any case; these people may pose a large, diffuse humanitarian problem" (p 40); "There is also evidence that during slow-onset changes, the propensity to relocate is related to age (younger people tend to leave) and land holdings (those with secure access to better land are less prone to leave). Attempts to support adaptation to sustain populations living in vulnerable areas, therefore, may need to entail adjustments in property rights regimes so that the distribution of resources across populations at risk is more equitable" (p 41); "... the poorest do not migrate, or only migrate short distances. Most of the people who migrate in response to environmental changes are the lower middle classes, who have enough money to move, but not far" (p 41); "National and international assistance serves migrants' needs best when it supports migrants to maximise their opportunities, for example through secure access to land, micro-credit schemes and programmes to generate incomes for both migrant and host populations" (p 45); "Policies and programmes should therefore be developed to enable people to adapt in ways that do not entail permanent migration. The principle that people should have the 'right to stay home' is as important as the principle that they should be free to move if they choose. Adaptation efforts directed towards the most vulnerable communities must therefore be a priority if permanent migration is to be avoided" (p 50); "If efforts to avoid permanent migration exacerbated by climate change fail, then most of those people who move will be poor. They are therefore most likely to move within their own country, or to a neighbouring country, rather than over vast distances" (p 51); "The ingredients required for successful re-establishment of livelihoods vary by location and group. In many cases, secure access to land is a critical factor" (p 52); "Indeed, in the near future, there is a danger that powerful actors will use the excuse of reducing community exposure to climate change in order to conduct forced migrations, for political or economic gain.... In other words, the impacts of resettlement on communities imply that it leads to increased vulnerability to climate change. Therefore, moving communities in anticipation of climate change may precipitate vulnerability more than it avoids it" (p 53); "Compensation for lost houses and assets is important, but that compensation should be paid at a level that is equal to the standard of housing and materials in the host community" (p 53); "Secure entitlements to land and natural resources in places at risk seem to mitigate migration in response to environmental change" (p 54). (Source: Jon Barnett and Michael Webber 'Migration as Adaptation: Opportunities and Limits', in Supra Note 17, McAdam (ed).

others – is nothing short of tragic. At the same time, climate displacement in all of its forms is ultimately capable of resolution in a manner consistent with the dignity and rights that people everywhere deserve, even if inter-country resettlement is the last of a series of possible options. Climate displacement *can* be fixed, but it will not be easy.

9. This report aims to bring together a variety of what we see as vital policy threads into a larger policy framework to better address climate displacement at the domestic level through a 'land solutions approach', and thereby ensure that successful programmes are implemented in each country. It highlights the direct inter-relationships between a series of cross-cutting issues, and explores precisely how they link to questions of climate displacement and simultaneously, how they might be formulated as part of a toolbox of solutions required to secure the full spectrum of rights of those displaced due to the effects of climate change. The report examines, in particular, the manner by which grassroots and civil society groups are influencing government policies on the links between housing, land and property rights and climate displacement, and the extent to which the efforts of such groups could be expanded and further supported by the international community.

2. THE HOUSING, LAND AND PROPERTY RIGHTS DIMENSIONS OF CLIMATE DISPLACEMENT

10. DS believes that land-based solutions to resolving climate displacement, grounded in pre-existing housing, land and property (HLP) rights as elaborated under international law, can provide an equitable, clear and globally applicable means, grounded in agreed legal norms and best practice, of developing viable human rights-based solutions to this growing crisis. Using *the inherent dignity of the human person* as the basis for concerted action (as the international human rights regime stipulates) rightly implies that each and every person, family and community who is forced from their homes and lands, against their will because of climate change, must have access to some form of remedy - both substantive and procedural - which respects their rights, protects their rights and, if necessary, fulfils their rights as recognised under international human rights law. In effect, therefore, everyone whose HLP rights are affected by climate change needs to have a means of remedying these denials through the provision of appropriate and durable HLP solutions to their status as climate change displaced persons, and more often than not this will involve the acquisition of land and related progressive planning measures. It is often argued that the spectre of permanent, non-reversible displacement caused by climate change and rising sea levels is a phenomenon that has yet to be clearly defined enough for States and their people to enable them to take the measures required to secure the long-term HLP rights of everyone affected by climate-induced displacement, but the facts clearly do not bear this out; people are already moving and policies are being put into place.
11. For governments to take these rights seriously will require concerted, planned and targeted responses grounded in good faith and practices of due diligence that aim to secure these rights for everyone, at all times - attempting to prevent displacement, during displacement and if prevention fails, ultimately in helping to facilitate the end of displacement through the provision of durable human rights-based solutions. In practice, this means that States should, individually or collectively, provide climate change mitigation and adaptation assistance and support so that persons can remain in their homes for as long as possible or can move within their state or across



SELF-HELP ADAPTATION
MEASURES TO PREVENT CLIMATE
DISPLACEMENT: BUILDING PRIVATE
CORAL ROCK WALLS IN CLIMATE
THREATENED KIRIBATI

Image: Jocelyn Carlin
Location: South Tarawa, Kiribati





BOX 2: WHAT ARE HLP RIGHTS?

Housing, land and property rights - HLP rights - are the collected bundle of existing rights found within international human rights and humanitarian law, other legal domains and the broad global normative framework of standards on matters that have a direct bearing upon the residential conditions in which people live and the rights they possess as dwellers. They are applicable in times of peace and development, as well as within the context of conflict, disaster and climate change. HLP rights are the legal basis of rights held by individual right-holders and, conversely, create the legal obligations held by governments and third parties to respect, protect and fulfil these rights. While HLP rights overlap with one another to a significant degree, each of the three sets of rights has distinct elements: Housing rights are essentially those rights which govern the residential attributes of everyday life for everyone who is not fully protected by either land rights or property rights. These include the rights of slum dwellers, tenants, homeless persons and others who are unable to access the full spectrum of housing rights as recognised under international human rights law and other legal regimes and frameworks, which include rights to security of tenure, affordable, safe and accessible housing, access to basic services such as water, drainage and electricity, equal treatment of men and women, and special rights for particularly disadvantaged groups such as the elderly, children and disabled persons. Land rights are directly relevant to landless persons, families and communities and those living under customary, traditional or extralegal forms of land administration. Property rights are those rights that are recognised, often through the conferral of property titles or occupancy rights, as enforceable personal or communal property rights in the form of ownership and control. Property rights can and should be extended to tenants and others with legal rights to reside in a certain place, including adverse possession rights. No single set of HLP rights is more or less important, and all of the rights concerned need to be treated as an integral whole, fully inter-dependent and mutually reinforcing with the other HLP norms.

borders in a planned manner over time that does not in any way result in homelessness or landlessness. Preventing climate displacement is far preferable to resolving it once it has occurred. But when it has occurred, States have the obligation under human rights law to provide climate displaced persons under their jurisdiction with a practicable level of age and gender-sensitive assistance including, without limitation, emergency services, evacuation and relocation, medical assistance, housing, food, clean water, measures necessary for social and economic inclusion, and the facilitation of family reunion. They should provide all necessary legal, economic, social and other forms of protection and assistance to those climate displaced persons displaced within their borders and to those likely to be displaced due to climate change. Appropriate laws and policies on compensation for material losses and damages incurred by climate change displaced persons need to be developed. Targeted land reform, land acquisition, land allocation and land set-aside initiatives should be developed by all governments that are serious about protecting the rights of climate displaced people and communities. States should, in particular, afford protection against displacement due to climate change to those such as indigenous peoples, minorities and other groups who are particularly dependent on and attached to their land. Adequately resourced and clearly mandated institutional mechanisms at all levels - local, state, national and international - need to be in place in all countries, in particular those with coastal areas and other portions of territory likely to be negatively affected by the consequences of a changing climate. Above all, people and communities forced to flee their homes and lands due to climate change, must be treated as rights-holders, with all of the corresponding state obligations and international support measures implemented in full to ensure these rights guarantees.

12. Human rights laws very clearly identify what is expected of governments with respect to HLP rights, and what individuals and communities should reasonably expect to be entitled to in all circumstances, including when threatened by the consequences of climate change. Governments are now routinely being held accountable for abuses of these rights, with increasingly firm judicial and other decisions being issued against states that have violated these rights. There remains, of course, an alarmingly wide gap between law and practice within the HLP sphere, but there is a clear and positive trend towards more legal clarity, more accountability and less impunity. While progress on HLP rights has been particularly notable within the realm of human rights laws, increasingly, governments and international humanitarian agencies responding to natural (and manmade) disasters – both acute and those of slower onset – are also working from an understanding that these events have a direct, measurable and clear impact upon the HLP *rights* of those affected. Considerable lessons have been learned in recent years about what can and must be done to preserve and augment the HLP rights of disaster-affected populations, and how these can be protected in often difficult and turbulent environments. Many of these may assist policy-makers in charting the most effective courses forward in addressing climate displacement. Of all the lessons learned, perhaps no other is as important as the obvious point that those affected by disaster (and by inference climate change) are all, and always were, not helpless victims but holders of human rights, in particular rights to the homes, lands and personal property that they may have lost or seen damaged as a result of the disaster concerned. Though often still treated in a manner which falls far short of the standards set under human rights law, it is now understood that post-disaster efforts need to incorporate the HLP rights protections of people into the larger recovery and reconstruction frameworks if the disaster response is to succeed and benefit those it is ostensibly designed to protect. Institutions such as the International Federation of Red

Cross Red Crescent Societies (IFRC)¹⁹, UN Habitat²⁰, the UN High Commissioner for Refugees (UNHCR)²¹, the UN's human rights programme²² and others have made important moves in recent years to ensure that the HLP rights of those affected by disasters are woven into the policies and projects of the agencies entrusted with effective disaster response. These international institutions have led the way in ensuring that issues such as equitable access to relief, the provision of security of tenure, prohibitions on forced displacement and many other positive steps are built directly into recovery and rehabilitation efforts. Such principles are also increasingly recognised in international standards such as the *IASC Operational Guidelines on Human Rights and Natural Disasters* which clearly assert that "human rights underpin all humanitarian action" and that "Humanitarian organisations shall not promote, actively participate in, or in any other manner contribute to, or endorse policies or activities, which do or can lead to human rights violations by States. They shall strive to enable the affected people to exercise their own rights". They stress that "Persons affected by natural disasters should enjoy the same rights and freedoms under human rights law as others in their country and not be discriminated against". Moving to the recognition of similar rights for climate-affected persons and communities is the next step in the evolution of the HLP movement.

13. In exploring the question of the HLP rights of climate change displaced persons, it is important to note that the 1992 UN Framework Convention on Climate Change (UNFCCC) mentions

¹⁹ In 2011, at the request of IFRC Displacement Solutions developed an HLP Rights Checklist that it felt would be useful for the Movement to have to help it avoid situations in which it may be acting contrary to its Charter or where it is not maximizing its influence in the most positive manner possible within the HLP sector. The HLP Checklist contains fifteen points: 1. OVERARCHING PRINCIPLES - Do no HLP harm; Ensure secure tenure for everyone; Be flexible and pro-poor in orientation; and Base HLP responses on community-led initiatives; 2. HLP-RELATED PRACTICES TO AVOID AND RESIST - Land grabbing; Regressive planning measures; Involuntary permanent resettlement/relocation; and Restrictions on freedom of movement and other rights; 3. UNDERSTAND THE HLP RIGHTS OF DISASTER AFFECTED PERSONS - People affected by disaster have human rights, including housing, land and property rights. These need to be understood and taken seriously throughout the recovery process; 4. IDENTIFY LOCAL AND INTERNATIONAL HLP ACTORS - Many institutions and individuals have responsibilities within the HLP sector. These HLP actors need to be identified and consulted at the earliest possible time; 5. UNDERSTAND THE HLP LEGAL AND POLICY FRAMEWORK - Housing, land and property law and policy are often complex and unique. HLP law and policy in affected countries need to be properly understood and contextualized in order to ensure optimal shelter responses; 6. CLARIFY HLP OWNERSHIP AND TENURE RIGHTS - Existing HLP ownership and tenure rights should be quickly and accurately clarified, ensuring that owners, tenants and informal sector dwellers are treated equitably; 7. DETERMINE THE TYPE AND LIKELY SCALE OF ANY HLP OR OWNERSHIP DISPUTES - HLP Disputes arise in many post-disaster settings. Both the type and likely scale of such disputes needs to be determined; 8. FOCUS ON TENURE SECURITY - All disaster-affected persons must be guaranteed adequate security of tenure protection throughout the entire post-disaster period and recovery process; 9. IDENTIFY GROUPS WITH SPECIAL HLP NEEDS - Many different social groups may be disproportionately affected by disasters, including women, children, persons with disabilities, the elderly and others. These groups need to be identified and disaggregated. Special measures will be required to ensure that the rights of such groups are met in full; 10. DETERMINE THE SCALE OF HLP DAMAGE AND DESTRUCTION - The scale of housing, land and property damage and destruction needs to be assessed and analyzed as promptly as possible; 11. UNDERSTAND LOCAL METHODS AND CAPACITIES OF HLP ADMINISTRATION - methods and procedures for housing, land and property administration may vary between countries. These need to be understood prior to developing longer-term HLP recovery policies; 12. UNDERSTAND THE HUMAN RIGHTS IMPLICATIONS OF RETURN, RESETTLEMENT AND RELOCATION - When return to one's original home is neither materially possible nor desired by the affected population, resettlement and relocation of some disaster-affected communities may be required. The human rights implications of any proposed resettlement or relocation needs to be fully understood, and only engaged in subject to the full participation of the people affected; 13. IDENTIFY POSSIBLE AND ADEQUATE LAND SITES FOR TRANSITIONAL AND PERMANENT HOUSING - New land sites may be required to transitionally house or provide permanent new housing to disaster-affected persons. Such sites should be promptly identified and registered; 14. IDENTIFY POSSIBLE HLP ADVOCACY STRATEGIES FOR IFRC - IFRC staff may identify important legal, policy and practical gaps in HLP protection. In some instances, it may be appropriate for IFRC staff to strategically advocate for improved approaches to such HLP areas; and 15. IDENTIFY SOURCES OF HLP EXPERTISE AND ASSISTANCE - In some instances, IFRC officials may have the expertise required to fully address HLP concerns. In cases where such expertise or capacity does not exist, efforts should be made to identify local and international sources that can provide the expertise and assistance required. Source: Displacement Solutions, *Checklist and Guidance Note on Housing, Land and Property (HLP) Rights Issues for IFRC Shelter Sector Staff and Volunteers in the Context of Disaster Response* (5 January 2011). See also, Red Cross Red Crescent, *Climate Change Challenge* (2007).

²⁰ UN Habitat's *Land, Environment and Climate Change: Challenges, Responses and Tools*, 2010, and *Land and Natural Disasters: Guidance for Practitioners* (2010) provides assistance to those working on HLP issues during humanitarian post-disaster responses.

²¹ See, for instance, the section on UNHCR's website dedicated to their climate change work - <http://www.unhcr.org/pages/49e4a5096.html>.

²² The human rights dimensions of climate change were rather late arrivals into the global climate change debate (See, for instance: International Council on Human Rights Policy, *Climate Change and Human Rights: A Rough Guide*, International Council on Human Rights Policy, Versoix, 2008 and Human Rights and Equal Opportunity Commission, *Human Rights and Climate Change*, Background Paper, Human Rights and Equal Opportunity Commission, Canberra, 2008). From 2007 onwards a series of efforts have been undertaken in this regard, including the release of publications making the explicit link between human rights and climate change. For instance, after extensive lobbying efforts, following an initiative led by the Maldives, in 2008 the UN Human Rights Council decided to produce a study on the human rights dimensions of climate change. The report was released in 2009, and while not containing many particularly new ideas, was nonetheless important in signifying UN attention to these issues. The OHCHR report notes that the following rights may be affected by climate change: the right to life, the right to adequate food, the right to water, the right to health, the right to adequate housing, and the right to self-determination (*Report of the High Commissioner for Human Rights on the relationship between climate change and human rights* (A/HRC/10/61, 15 January 2009) and rightfully emphasises further that "persons affected by displacement within national borders are entitled to the full range of human rights guarantees by a given state, including protection against arbitrary or forced displacement and rights related to housing and property restitution for displaced persons". The report further recommends that: "Within countries, existing vulnerabilities are exacerbated by the effects of climate change. Groups such as children, women, the elderly and persons with disabilities are often particularly vulnerable to the adverse effects of climate change on the enjoyment of their human rights. The application of a human rights approach in preventing and responding to the effects of climate change serves to empower individuals and groups, who should be perceived as active agents of change and not as passive victims. (Para 94)...Further study is also needed of protection mechanisms for persons who may be considered to have been displaced within or across national borders due to climate change-related events for those populations which may be permanently displaced as a consequence of inundation of low-lying areas and island states." (Para 98).

neither the displacement to be caused by climate change nor the human rights dimensions of global warming.²³ Likewise, texts developed long before climate displacement became an issue, such as the UN Refugee Convention do not recognise the particular rights of climate change displaced persons, nor do any of the major human rights treaties. This lack of inclusion of this specific group of climate change displaced persons has led some to propose the amendment of the Refugee Convention or the adoption of a new treaty to expand the protection of these instruments to include climate change displaced persons. Another proposal for a Protocol on the Recognition, Protection and Resettlement of Climate Refugees to the UNFCCC²⁴ has also been developed as has a specific convention detailing the rights of those displaced due to climate change.²⁵ Gauging the current views of states, however, none of these pertinent and worthy initiatives are likely to be approved any time soon. In the interim, however, texts such as the *Nansen Principles*²⁶ provide a start in addressing one aspect of climate displacement; that of the protection gap involving cross-border displacement caused by disaster or climate change.²⁷ According to the head of the newly formed *Nansen Initiative*, Walter Kälin: "A legal analysis of gaps in the protection of persons displaced in the context of climate change and other natural disasters can be summarized in the following two major conclusions: 1. With respect to *internal displacement*, the UN Guiding Principles on Internal Displacement as well as relevant regional instruments (particularly the Kampala Convention) are fully applicable. The challenge lies in implementing these instruments both in normative (national laws, policies and strategies) as well as operational terms; and 2. Persons moving across borders in the context of natural disasters are *protected by human rights law, while refugee law applies to a very limited extent only*."²⁸ However, since human rights protection does not address critical issues such as admission, temporary/permanent stay and basic rights, *a legal gap exists with respect to cross-border displacement*.²⁹ Thus while the *Nansen Principles* and its Initiative do much to address the protection gap concerning cross-border displacement, they do not thus far add hugely to the norms that already exist to protect the rights of climate displaced persons who remain within their own countries.

²³ The closest it comes to recognising this particular manifestation of rising seas and other consequences of climate change is: 4(1)(d) All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:...(d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems...;(f) Takes climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change.

²⁴ See: for instance: Biermann, F. and Boas, I. "Protecting Climate Refugees: The Case for a Global Protocol in *Environment* (vol. 50, number 6), pp. 9-16, 2008.

²⁵ See, David Hodgkinson, Tess Burton, Simon Dawkins, Lucy Young and Alex Coram, "Towards a Convention for Persons Displaced by Climate Change: Key Issues and Preliminary Responses", 2008, <http://www.ias.uwa.edu.au/new-critic/eight/hodgkinson>.

²⁶ See: http://www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen_prinsipper.pdf.

²⁷ The Nansen Principles read as follows: *Building upon Nansen's legacy, the following principles were recommended to guide responses to some of the urgent and complex challenges raised by displacement in the context of climate change and other environmental hazards*: I. Responses to climate and environmentally-related displacement need to be informed by adequate knowledge and guided by the fundamental principles of humanity, human dignity, human rights and international cooperation; II. States have a primary duty to protect their populations and give particular attention to the special needs of the people most vulnerable to and most affected by climate change and other environmental hazards, including the displaced, hosting communities and those at risk of displacement. The development of legislation, policies and institutions as well as the investment of adequate resources are key in this regard; III. The leadership and engagement of local governments and communities, civil society, and the private sector, are needed to address effectively the challenges posed by climate change, including those linked to human mobility; IV. When national capacity is limited, regional frameworks and international cooperation should support action at national level and contribute to building national capacity, underpinning development plans, preventing displacement, assisting and protecting people and communities affected by such displacement, and finding durable solutions; V. Prevention and resilience need to be further strengthened at all levels, particularly through adequate resources. International, regional, and local actors have a shared responsibility to implement the principles enshrined in the Hyogo Framework for Action 2005-2015: Building Resilience of Nations and Communities to Disaster; VI. Building local and national capacity to prepare for and respond to disasters is fundamental. At the same time, the international disaster response system needs to be reinforced. The development of multi-hazard early warning systems linking local and global levels is critical; VII. The existing norms of international law should be fully utilized, and normative gaps addressed; VIII. The Guiding Principles on Internal Displacement provide a sound legal framework to address protection concerns arising from climate- and other environmentally-related internal displacement. States are encouraged to ensure the adequate implementation and operationalization of these principles through national legislation, policies and institutions; and IX. A more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced externally owing to sudden-onset disasters. States, working in conjunction with UNHCR and other relevant stakeholders, could develop a guiding framework or instrument in this regard.

²⁸ Kälin and Schrepfer analyze and discuss the normative gaps in more detail. See *Protecting People Crossing Borders in the Context of Climate Change - Normative Gaps and Possible Approaches*, UN High Commissioner for Refugees, February 2012, PPLA/2012/01, pp. 30.

²⁹ Source: *The Nansen Initiative: A Protection Agenda for Disaster-induced Cross-border Displacement*, Concept Note, 2 October 2012.

14. An even newer and more comprehensive instrument, however, seeks to provide an all-inclusive normative framework for addressing the rights of climate displaced persons and communities and the corresponding duties of States and the international community in this regard. The *Peninsula Principles on Climate Change Displacement* (which are included as an annex to this report) were approved by a group of legal scholars and climate change displacement experts on 18 August 2013 and provide a much needed statement of principles on what people should be entitled to expect when they face looming displacement and what governments the world over should do to respect and protect the full spectrum of the rights involved.³⁰ The Peninsula Principles address numerous themes and are organised along the following lines: Preamble, Introduction, Principle 1: Scope and purpose, Principle 2: Definitions, Principle 3: Non-discrimination, rights and freedoms, Principle 4: Interpretation, III. General Obligations, Principle 5: Prevention and avoidance, Principle 6: Provision of adaptation assistance, protection and other measures, Principle 7: National implementation measures, Principle 8: International cooperation and assistance, IV. Climate Displacement Preparation and Planning, Principle 9: Climate displacement risk management, Principle 10: Participation and consent, Principle 11: Land identification, habitability and use, Principle 12: Loss and damage, Principle 13: Institutional frameworks to support and facilitate the provision of assistance and protection, V. Displacement, Principle 14: State assistance to those climate displaced persons experiencing displacement but who have not been relocated, Principle 15: Housing and livelihood, Principle 16: Remedies and compensation, VI. Post-Displacement and Return, Principle 17: Framework for return, VII. Implementation, Principle 18: Implementation and dissemination. It is hoped that the *Peninsula Principles* will be applied directly by all relevant actors involved in addressing climate displacement, and that they will ultimately form the basis for new global treaties designed to resolve climate displacement.
15. Laws, normative frameworks and international standards are one thing, but moving words on paper to deeds on the ground remains the key challenge for everyone who cares about the human consequences and human rights implications of climate displacement. It is beyond contention that everyone who faces the spectre of climate displacement is, in the first instance, a rights-holder who should be afforded the full protection of all internationally recognised human rights and fundamental freedoms. This applies to Bangladeshis as much as to i-Kiribati, and to Kuna Indians in Panama as much as to Maldivians, Solomon Islanders, native Alaskans and everyone else. Indeed, just as anyone anywhere can potentially become a refugee or a displaced person, so too can all of us potentially become a climate displaced person. The rights that must be afforded climate displaced people, therefore, include all human rights found within the body of international human rights law, as well as those human rights provisions found within the domestic laws of the country concerned. As with all persons, climate displaced people must be protected against discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar grounds. Rights such as the right to life, the right to water, the right to freedom of expression, the right to health, the right to food, the right to an adequate standard of living, the right to political participation, the right to information, the right to be free from discrimination, the right to equal treatment, the right to security of the person, the right to privacy and a host of other rights should have a direct bearing on a wide cross section of climate

³⁰ See, www.displacementsolutions.org for details of the process leading to the adoption of the *Peninsula Principles*.



LONG WALK TO A
DESTINATION UNKNOWN

*Image: Jocelyn Carlin
Location: South Tarawa, Kiribati*



change decisions made by governments and, thus influence, how the consequences of these decisions and the impact of climate change will be experienced by individual rights-holders. In addition, they must also be afforded the protections granted under both the *UN Guiding Principles on Internal Displacement* and the *UN Principles on Housing and Property Restitution* both of which are directly relevant to climate displaced people and communities.³¹ People must have rights to stay in their homes and lands as long as possible, and simultaneously the right to leave should they wish to exercise it.

16. Viewing climate displacement policy through the lens of HLP rights, with a particular focus on land, ensures that a consistent and clearly established human rights-based approach is taken in determining proper policy and programmes to assist climate-affected people and their communities and, in part, provides a legal basis for incorporating land-based solutions into the policy options available to States. National and international policies and responses, including land acquisition and planned voluntary relocation, need to be implemented on the basis of non-discrimination, consent, empowerment, participation and partnerships with those directly affected, with due sensitivity to age, gender and diversity aspects. The voices and views of the displaced or those threatened with displacement, loss of home or livelihood must be heard and taken fully into account if policies and laws are to correspond to the needs and rights of those affected.

³¹ While the global scale of displacement caused by the effects of climate change will be massive, it is important to note that the vast majority of those to be displaced will remain, and will wish to remain, within their country of origin. Consequently, everyone affected is already entitled to the human rights protections (including the *Guiding Principles on Internal Displacement*) that will be required to ensure them a full and dignified life, including many of the rights that collectively make up the body of housing, land and property rights law.

3. CLIMATE DISPLACEMENT IN ACTION: COUNTRIES AFFECTED AND EFFORTS TO PROTECT HLP RIGHTS THUS FAR

17. Climate displacement is already a reality in the world today, and manifests in five primary ways, each of which DS has directly observed:
 1. Temporary Displacement - People who for generally short periods of time are temporarily displaced due to a climate event such as a hurricane, flood, storm surge or tsunami but who are able to return to their homes once the event has ceased, such as during a larger than usual King Tide in Kiribati, residents of New York in the aftermath of Hurricane Sandy or following a cyclonic event in south-western Bangladesh.
 2. Permanent Local Displacement - People who are displaced locally, but on a permanent basis due to irreversible changes to their living environment, in particular sea-level rise, coastal inundation, salt water intrusion and the lack of clean water and increasingly frequent storm surges. This form of displacement implies that localised displacement solutions will be available to this group of forced migrants, such as elevated land in the same locality. This would include Solomon Islanders moving to other areas within the customary lands of their *wantok* and dwellers along Bangladesh's coastline who flee to higher ground in the immediate vicinity.
 3. Permanent Internal Displacement - People who are displaced inside the border of their country, but far enough away from their places of original residence that return is unlikely or impossible. This would concern a family displaced from one region of a country to another region in the same country, for instance, from a coastline to an inland town or city, such as the ongoing resettlement from the Carteret Islands to the larger island of Bougainville in Papua New Guinea, villagers from Newtok, Alaska to Nelson Island and the Kuna people of Panama moving from their islands to the mainland.
 4. Permanent Regional Displacement - People for whom displacement solutions within their own countries are non-existent or inaccessible and who migrate to nearby countries willing to offer permanent protection. This would involve, for instance, a citizen of Tuvalu migrating on a permanent basis to Fiji, New Zealand or Australia.
 5. Permanent Inter-Continental Displacement - People for whom no national or regional displacement solutions are available, and who are able to receive the protection of another State in another continent, such as a Maldivian who migrates to London or a Bangladeshi who ends up as a migrant worker in the Middle East.³²

³² Koko Warner, Tamer Afifi, Walter Kaelin, Scott Leckie, Beth Ferris, Susan F. Martin and David Wrathall, *Changing Climate, Moving People: Framing Migration, Displacement and Planned Relocation* (UNU-EHS Publication Series, Policy Brief No 8/June 2013. John Campbell has formulated a similar typology in terms of land loss 'and then movement to: A. Elsewhere within customary lands; B. Rural area: someone else's land; C. Urban area: someone else's land; D. Other Pacific Island Country: someone else's land; and E. Beyond the Pacific: Fee simple? Rental? See: John Campbell, 'Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land', in McAdam (Supra Note 17), p. 66.

BOUGAINVILLE, PAPUA
NEW GUINEA: THE NEW
HOME OF CARTERET
ISLANDERS DISPLACED
BY RISING SEA LEVELS

Image: Kadir van Lohuizen / NOOR

*Location: Tinputz, Bougainville,
Papua New Guinea*





THE SEA AS FRIEND,
THE SEA AS FOE:
A DAY OUT FISHING
IN KIRIBATI

Image: Jocelyn Carlin

Location: Tarawa Lagoon, Kiribati



18. Each of these five categories will have different policy and legal implications for governments, the people concerned and whatever international agencies may be assigned to assist climate change displaced persons to find durable solutions to their plight. Such responses, which can initially be understood in terms of short- and long-term options, have important implications for those affected and for those involved in ameliorating the emerging displacement crisis caused by climate change. Each of them have centrally important land dimensions. Problematically, however, the record of treatment thus far faced by those who have already been displaced due to climate change or who are otherwise imminently threatened does not bode particularly well for the millions yet to be displaced. But a series of people-driven initiatives are underway in several of the most heavily-affected countries that may lead the way in revealing that pro-active planning and targeted land policies hold out by far the best prospects for those displaced due to climate change.
19. Based on its six years of working to secure land-based solutions for climate displaced communities and to raise the profile of this approach to resolving climate displacement within governmental and international policies, DS believes that unless governments in countries that generate climate-induced displacement and those neighbouring them fundamentally improve law, policy and practice in this regard, it is clear that initiatives driven by climate displaced people themselves may be the only way to ensure that human rights-based solutions to climate displacement become part of official national and international strategies designed to protect the HLP rights of climate displaced people. Since 2007, DS and its associates have visited and been engaged with groups in a wide cross-section of some of the countries most heavily-affected by climate change including Bangladesh, Fiji, Kiribati, Maldives, Myanmar, Panama, Papua New Guinea, Solomon Islands, Thailand and Tuvalu. In working with the people and communities involved in these countries, DS has consistently supported land-based solutions to current and future climate displacement, and while inspired by civil society efforts dedicated to struggling to protect the rights of those displaced due to circumstances beyond their control, (and which they universally did not cause), we have been almost always deeply disappointed by the supreme lack of concrete and meaningful engagement by governments in solving this crisis in a human rights-based and land-based manner. An overview of DS' efforts (covered in chronological order of DS' involvement) in Papua New Guinea, Kiribati, Tuvalu, Fiji and Bangladesh follows, and reveals why we come to this disappointing and unfortunate conclusion.

PAPUA NEW GUINEA (THE CARTERET ISLANDS)³³

20. The well-publicised planned relocation process currently underway from the Carteret Islands in Papua New Guinea (PNG) 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.³⁴ 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

³³ <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/papua-new-guinea-climate-displacement/>

³⁴ 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

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 concrete and accessible land solutions for those to be displaced from the Carterets.³⁵

21. Tulele Peisa (“Riding the Waves on Our Own”) is led by the dynamic Ursula Rakova from the Carteret Islands, and has set out to find permanent housing, land and property solutions for the population of the Carterets on Bougainville.³⁶ The *Integrated Carterets Relocation Programme* of Tulele Peisa offers unique policy and planning lessons for climate-induced voluntary relocation plans in other countries. Working against the odds and with very limited financial resources, as depicted in the Academy Award-nominated film *Sun Come Up*, Tulele Peisa thus far has been able to amass some 120ha of land on Bougainville, most of which has been donated by the Catholic Church for the purposes of relocating a small portion of the Carteret Islanders.³⁷ Much more land is obviously needed, but an important start has been made in developing the methods required to provide sustainable land solutions to the atoll dwellers. Demand for relocation has increased as the impact of climate change on the Carterets has become ever more apparent. Rising sea levels and loss of land have, among other things, contributed to a decrease in food security, leading to a situation where the Carterets - an atoll people have called home for more than 200 years - are now increasingly unable to sustain the entire population. The situation has deteriorated rapidly; in 2006, only 3 families wished to resettle, while in 2008 some 38 families expressed a desire to relocate to Bougainville. By mid-2013, perhaps as many as 200 people from the Carterets have spontaneously migrated to Bougainville without support, while several families have moved with the assistance of Tulele Peisa. When DS visited the Carterets in mid-2013, it encountered very dire circumstances of malnutrition and growing deprivation, with only very sporadic deliveries of staples such as rice from the mainland. Tulele Peisa estimates that some 300 families or more will ultimately need to be relocated if the Carterets continue to disappear into the sea. Families with six or more children will be given priority for relocation, together with families facing chronic food insecurity. Tulele Peisa hopes to retain a small population on the Carterets if at all possible, but believes that most of the population will need to relocate to Bougainville, including most of those with income earning potential. The logistics of the relocation process developed by Tulele Peisa first involves a number of steps on the atoll itself. Initially the Council of Elders was mobilized and the relocation plans discussed and approved. The plan was then put before the ABG and endorsed. Once the plan was approved, the group then set out to raise awareness of the issues throughout the islands comprising the atoll and developed a Task Force Committee that became the lead body responsible for elements of the relocation process. Ceremonial preparations were then carried out, followed by the mobilization of public and private resources. In terms of activities on Bougainville, the *Carterets Integrated Relocation Plan* involves a detailed and complex

³⁵ 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.

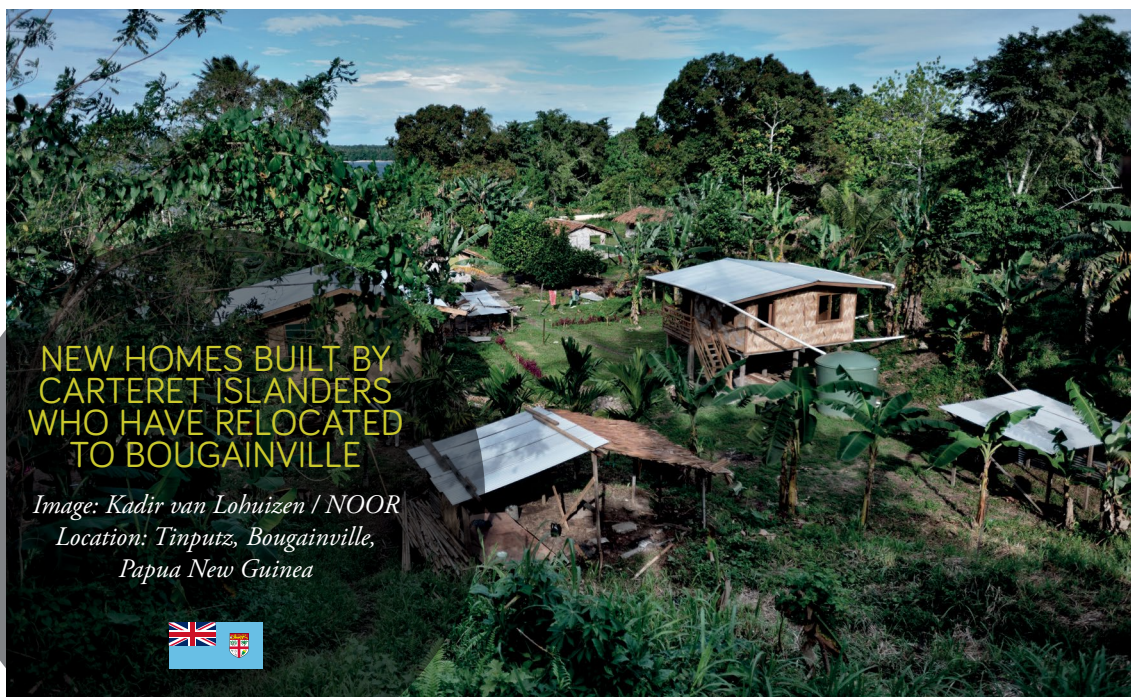
³⁶ See: www.tulelepeisa.org.

³⁷ <http://www.suncomeup.com/film/Home.html>.

20-step process, which when completed will lead to the successful relocation by those moving to Bougainville. The steps include: scoping out available land; identifying traditional land owners; negotiating with land title holders; engaging with landowners; exchange programs; entering into land negotiations; carrying out social and resource mapping; planting gardens; identifying families using objective selection criteria; preparing families for relocation; preparing host families for relocatee arrivals; building homes; and moving families to the new settlements. According to preliminary estimates by Tulele Peisa, some 14 million Kina (US\$ 5.3m) will be required until 2019 to resettle all of those who wish to move to Bougainville, a figure which is well within the capacity of the PNG national government to provide, given the fact that the PNG government's annual budget totals more than 7 billion Kina (US\$ 2.7b) and is expected to grow considerably in coming years. While Tulele Peisa has already achieved a great deal with very limited financial resources, in order to achieve its longer-term objectives of providing housing, land and property solutions to all of those in need, additional funds will be required from the PNG government and international donors.

22. Several years into the process, the identification of land for the relocation process remains the key challenge. In terms of the resettlement criteria developed by the Carteret community, some 1,500 hectares (ha) of land would ideally be required, with an additional 1500 ha of land required for the full relocation of the other three affected atolls. Tulele Peisa has developed a laudable land goal for each family that proposes that each resettled family receive land use rights over 5ha of land; 1ha would be allocated for housing and personal gardens, 3ha for livelihood purposes, including the growing of cocoa and copra, and the remaining 1ha set aside for purposes of reforestation. Based on the experience of an earlier resettlement process that failed, the Islanders feel it is important that sufficient land be allocated to each family to enable them to earn a livelihood to ensure that any relocation is sustainable. This led to their conclusion that 5 ha per family would be required, in order to provide sufficient land for farming cash crops. To date a total of 120 ha of land in several locations has been identified on Bougainville for use by those to be relocated. This is clearly a good start, but still leaves a considerable land shortfall. Because more than 96% of Bougainville is governed by customary land rules and allotted using traditional land arrangements, which do not always facilitate the transfer of land to those not part of the customary group with rights to the land in question, an emphasis thus far has been placed on securing portions of the remaining 4% of the land which is divided between private owners and State land. There are also a number of obstacles to obtaining clear legal title to land in Bougainville, coupled with extensive unresolved land disputes that will make the additional acquisition of new land for relocation a continuing challenge.
23. To date, the Carteret communities have been granted land owned by the Church, but they have also entered into direct negotiations with traditional landowners to maintain good relations and integrate more deeply with local communities upon resettlement. In 2007, only three Carteret families volunteered to relocate to Bougainville, a number that has grown to 83 Carteret families volunteering to relocate to Tinputz, Tearouki, Mabiri and Tsimba, sites on Bougainville which were gifted to the Carteret Islanders by the Catholic Church. Tulele Peisa believes that under their current plan, 100 families will have been relocated from the Carteret Islands to Bougainville by 2015.

24. The relocation experience thus far concerning the Carteret Islanders, even at this very early stage, presents a number of lessons for similar exercises in other areas where climate-induced displacement will manifest, including: (a) *The importance of land identification* - The identification and allocation of sufficient land for relocation purposes is central to resolving climate displacement. Much of the available land in Bougainville is privately owned or subject to claims by traditional landowners, leaving very little public land available to the government to earmark for resettlement. While the Catholic Church has provided roughly 120 ha of land for relocation, this will provide only a small portion of the land reserves needed to resettle the entire population from the Carterets. This and other climate change-related relocation exercises will need to take a pro-active approach towards land allocation as a prerequisite for successful resettlement; (b) *The central role of the affected communities* - government efforts in support of relocation have been stalled by the unclear political situation in Bougainville, as well as limited political will to devote the resources required to ensure successful relocation. This, in turn, necessitated the emergence of Tulele Peisa, which again shows the vital role to be played by affected communities themselves in orchestrating land-based solutions to their climate displacement; and (c) *The need for sustainable and comprehensive relocation planning* - Earlier relocation programs to Bougainville (and elsewhere) necessitated by reasons not related to climate change, failed due to the lack of livelihood opportunities for those relocated. Because the mere provision of a new house and garden is never sufficient to restore the lives and livelihoods lost as a result of displacement of all types, the comprehensive needs of those to be relocated have been structurally built into the plans of Tulele Peisa. Those relocating still do not, however, have clear title to the land on which relocation is beginning to take place. The importance of establishing clear title to ensure security of tenure for all those who relocate is vital. The mobilisation of financial resources is also critical, given that land had to be purchased from somewhere in order for it to be allocated to the Islanders for the purposes of relocation, that housing needed to be built and that new livelihood options needed to be developed.



BOX 3: THE DS BOUGAINVILLE HLP INITIATIVE

The relocation process from the Carteret Islands to Bougainville is one of the first organised relocation movements by climate-displaced communities anywhere in the world. As such, it offers unique policy and planning opportunities to learn the lessons of previous relocation exercises unrelated to climate change, such as involuntary resettlement due to development and infrastructure projects, which have virtually always been unsuccessful. Displacement Solutions decided to focus on the pending Carterets relocation when it became clear land resources would be required for islanders choosing to move to safer ground. DS initiated efforts in support of the Carteret Islanders by convening a private meeting in the Australian capital, Canberra, which brought together for the first time the key stakeholders in the Carterets relocation process, namely representatives of the displaced population, officials from the Autonomous Bougainville government entrusted with the resettlement process, landowners on Bougainville, representatives from AusAid and others involved in various human rights efforts within civil society¹. The meeting, held in December 2008, aimed to open political space on Bougainville and more broadly within PNG and Australia to work out the dynamics of a more sustainable and adequately financed relocation plan, by focusing attention on a DS-devised plan involving the proposed sale of 2700ha of prime agricultural and coastal land on Bougainville to the ABG on the condition that the land would be converted into State land and allocated to relocating Carteret Islanders, in what DS believes to be the first concrete effort to secure land resources for climate-affected communities. Working closely with one of the main private landowners on Bougainville, DS put in place a plan to assist in the sale of some 2700ha of private land, most of which was previously a large-scale cacao plantation, to the ABG. Bougainvillian Tribal Chief Tabuna Forster, formally offered to sell his sizable landholdings to the government for an extremely low price (A\$ 500,000 at the time), which clearly could have been within the means of the ABG to pay. Forster, who was instrumental in helping to bring an end to the violent conflict of the 1990s by involving the United Nations and other mediators, at the time of the proposed sale had migrated to Australia and no longer had the resources required to re-establish the cocoa plantation which, as with the entire Bougainvillian economy and infrastructure, had been ransacked and devastated during the conflict. All of the plantation labourers also fled, leaving local businesses without a workforce. In 2008, there was renewed interest in redeveloping land and restarting some of the plantations on Bougainville, and thus the idea was hatched to propose the sale of his land

¹ An accurate, albeit fictionalised, description of life on Bougainville during the conflict is covered in: Lloyd Jones, *Mister Pip*, Text Publishing Melbourne, 2006.

to the ABG which would create win-win-win outcomes for all concerned; The Carteret Islanders would be able to relocate *en masse* to extremely fertile land and immediately have livelihood options available if cacao production were re-started; the ABG would have solved the land question and fulfilled its obligations to the Islanders; and Forster himself would have made a sale that would have enabled him to cover some of the higher costs associated with living in exile in far more expensive Australia. In the plan, DS proposed to the ABG to use some of the funds already earmarked by the PNG government for resettlement towards this end. An initial budgetary allocation of 2 million Kina (US\$ 760,000) was earmarked towards assisting some of the Carteret Islanders, however, as far as is known, none of these funds allocated for this purpose were ever used for these aims. All the elements of what could have been a remarkable precedent for climate-displaced communities the world over was in place; everyone could have been a winner. Following discussions between DS, Forster and a representative of the ABG, a deal appeared imminent in late 2008. However, it was not to be. The relocation funds supposedly allocated to the ABG mysteriously never arrived, and the ABG in turn lost interest in keeping its side of the bargain. After waiting for an extended period, and in need of funds, Forster sold the entire plantation to a private investor from Australia for even less than the ridiculously low asking price of A\$ 500,000, a staggeringly low price of A\$ 185 per hectare! The land parcel, which had been in Forster's family since 1923, was ultimately sold to Australian beverage magnate Godfrey Mantle who at the time indicated his intentions to develop the land for agricultural purposes, and perhaps tourism. DS, Forster and others urged Mantle to reserve at least a portion of the land for the Carteret Islanders, however, it is not clear whether this ever took place. Many of those present at the DS-hosted meeting in December 2008 openly encouraged the new owner of the Raua Plantation and other private landowners on Bougainville to allocate at least a portion of their lands to resettle islanders requiring new land sites. While it is still hoped that the developer will set aside a portion of the land for use by atoll dwellers, it is clear that a golden opportunity for finding land solutions for some of the world's first climate change displaced persons was lost.

25. These lessons from one of the world's first exercises in seeking to carefully and creatively resolve the predicaments facing climate displaced communities are of vital importance in understanding both the elements of a successful planned relocation process, as well as revealing – perhaps even more importantly – the immense challenges and drawbacks which will continually face those seeking to assist climate displaced communities in the coming decades. From the up close proximity of Displacement Solutions and our involvement in PNG, the case of the Carteret Islands was our first experience of what has subsequently become commonplace frustrations with our efforts to secure land solutions for climate displaced communities in ten countries. In this instance and many others which will be outlined below, what on the surface appeared to be an extremely troubling, but ultimately resolvable challenge – the relocation of the Carteret Islanders to neighbouring Bougainville (bearing in mind the immense difficulties of any involuntary relocation process, planned or not) – in fact transformed from imminently doable to virtually impossible over a very short period of time. What looked like a viable win-win-win plan to relocate 300 families to Forster's land, instead has become a situation where a handful of Carteret Islanders have relocated to Bougainville while hundreds of families barely eek out an existence on their increasingly threatened island homes. The land provided to Tulele Peisa on Bougainville has been a vital link in a very complex chain of events that has yet to mean new homes and new lands for the people from the Carterets. The Islanders – and those from the three other atolls – still require land-based solutions to their looming displacement, and from the experience of the past several years, it is clear that far more needs to be done.

KIRIBATI³⁸

26. Few nations are as deeply and dramatically affected by the consequences of climate change as the Pacific atoll nation of Kiribati.³⁹ While the situation facing the Carteret Islands in PNG is certainly tragic, most of PNG will not experience massive climate displacement in coming decades. For Kiribati and other similarly threatened island and atoll nations, however, the existence of *the country as a whole* is under threat. The country's looming fate has both the government and the citizenry of this nation ever more on edge as the once distant predictions of climate change come increasingly to pass. The very real and palpable sense of unease and often outright fear that is apparent (in what is otherwise a rather pious, joyful and easy-going culture), is heart-wrenching testimony to the human and displacement tragedy slowly unfolding in Kiribati (pronounced Kir-ee-bass). The 103,000 people of Kiribati and its 32 atolls and one island now worry openly that their tiny land mass of only 719km² is slowly but surely being eaten away by seas that have for an eternity provided a source of sustenance, beauty and tranquility. After years of tirelessly urging the world to do more on climate mitigation and adaptation, President Anote Tong and others within the government of Kiribati have increasingly prioritized a sophisticated, well-thought out strategy of long-term *dignified migration*.⁴⁰ With requests to countries such as Australia to provide it with new territory in order to allow Kiribati to re-establish itself elsewhere falling (not surprisingly) on deaf ears, with only minute amounts of adaptation funding having been provided thus far, in an era when corporate representatives show up in the capital South

³⁸ <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/kiribati-climate-displacement>

³⁹ For a quirky view on life and culture in Kiribati viewed by an outsider, see: J. Maarten Troost, *The Sex Lives of Cannibals: Adrift in the Equatorial Pacific*, Broadway Books, 2004.

⁴⁰ See the moving personal story of Linda Uan - <http://www.climate.gov.ki/2013/02/12/i-kiribati-want-to-migrate-with-dignity>

Tarawa selling manmade floating islands for a staggering US\$ one billion, and when the developmental challenges facing the impoverished nation continue to worsen, dignified migration is clearly the next best, and most logical, policy outcome. The policy emphasizes, through a merit-based system, specialized educational opportunities in professional skills that are in short supply in the region such as nursing and automotive engineering, based on the rationale that this will significantly increase the employment prospects of individual i-Kiribati citizens who eventually do migrate to countries such as Australia and New Zealand. This policy is seen effectively as a win-win proposition, because even if those receiving the new educational opportunities choose to remain in or return to Kiribati, the nation as a whole will benefit from their newfound skills. It is recognized that dignified migration is most likely to result in mutually beneficial outcomes for both the migrants and host countries if a number of preparatory measures are pursued. To maximize the potential for mutually beneficial migration for both Kiribati migrants and host countries, several programmes are already underway making it easier for i-Kiribati to work in host countries and to make remittances to their families still living in Kiribati.

27. At the same time, as the practical limits of dignified migration and other measures of internal relocation within Kiribati (including to the highest territory in the country, the island of Kiritimati) become ever clearer, the government is looking well beyond its borders for solutions. This has again centered on the critical question of land; not land in Kiribati, however, but rather a 6,000-acre plot of land on the island of Vanua Levu in Fiji, purchased in 2012 by the government. Even though there is a long history of i-Kiribati moving amongst their own islands and between islands across the Pacific in search of a better life, the purchase of such a large land tract in a neighbouring country is clearly indicative of the rather dramatic policy directions in which the government is increasingly placing its hopes, even while the President officially denies that the land will be used for resettlement.⁴¹ Inter-island relocation and inter-country resettlement are not new phenomena in the region, or to the people of Kiribati, but the new land acquisition is highly symbolic when viewed through the lens of climate change. The controversial resettlement of virtually the entire population of Banaba Island in Kiribati to Rabi Island in Fiji in 1945, as a consequence of resource depletion and associated phosphate mining, is perhaps a harbinger of what awaits Kiribati's population today, and lessons learned from this and other past resettlement experiences, such as when Tuvaluans from Vaitupu resettled to Kioa Island in Fiji in the 1940s, should inform the design of any possible relocation or facilitated migration programs to Vanua Levu even at this very premature stage. As things now stand, suffice it to say that the Vanua Levu option could, if played out carefully and with the full political support of Fiji (where such issues are already a permanent part of political discourse), be pivotal in the multi-level efforts by Kiribati to simultaneously preserve the cultural identity of the people, protect their human rights and secure what would effectively amount to a safe haven for ongoing governance of Kiribati should this be impossible within Kiribati itself. Done properly, an eventual exercise of this nature could in theory yield positive results for those choosing to move in this manner. Conversely, if done poorly without adequate preparation, financing and planning, a mass relocation plan of this scale can all too easily have catastrophic consequences for everyone involved. All participants in the process - the people moving, the host community and both the government of Fiji and of Kiribati - need to be actively engaged in developing

⁴¹ See, for instance: <http://www.theglobalmail.org/feature/kiribati-a-nation-going-under/590/>

plans and processes that will prevent any relocation site from suffering the fate of so many other attempts at relocation – impoverishment, health crises, instability and insecurity.

28. Having interviewed scores of i-Kiribati citizens over the past four years, DS has yet to meet a person or family from any income-level who has not already thought deeply about their own personal displacement prospects, including migration plans, should it come to that. The people of Kiribati are already coming to grips with the idea that they may one day need to leave their cherished island homes. No one knows for certain, however, just at what point the country of Kiribati will become effectively uninhabitable; this could become the tragic fate of the country perhaps as early as 2050, or, all other things being equal, not occur for a century or more. Nonetheless, some internal displacement has already occurred. Communities on North Tarawa and in Abaiang have already been relocated, and in the case of Tebontekike in Abaiang, ten extended families have had to move to other land owned by their family elsewhere. Families in Tebikenikora have left their community because the broken seawall brings constant flooding of the area where their houses were located.⁴² In addition, a new settlement is under construction in Kiribati, in line with a government plan financially supported by New Zealand to reduce population density in Betio (which already has one of the highest population densities on the planet with some 30,000 people living in just two square kilometers) through resettling several thousand people to the Bonriki area near the airport at the opposite end of the main atoll. This plan may yet work without any undue land disputes, but little progress is yet evident. Many within the country have expressed doubts as to the viability of any new town located so far from education and commerce activities, but it is too early to determine whether this innovative plan will succeed in its laudable aims. The space opened up in Betio could easily be re-occupied by new migrants from the outer islands, with the net result simply being yet more people on the main atoll which long ago surpassed a sustainable level of population. No matter what happens, it is hoped that the new settlement at Bonriki will be developed in full cognizance of likely sea level rises, and indeed, that all new construction in Kiribati take projected sea level rises fully into account. Additional relocation efforts within the country as a means of providing land and livelihood options to families who lose land to rising seas, such as has been attempted in the past to Kiritimati Island, have yet to bear significant fruit and are probably limited in application for a host of reasons, not the least of which is the immense distance between the island and the rest of Kiribati.
29. In 2013 it is still not too late to prevent worst case scenarios from taking place, and DS believes that a new, vigorous and harmonized strategy of both 'fight' and 'flight' could positively transform Kiribati both in socio-economic and human rights terms, but also in terms of long-term viability as a nation in their fight against climate change. Many Pacific Island nations, including Kiribati, have always been vulnerable to an array of environmental threats including droughts, storm surges and occasional king tides and have shown considerable resilience in this regard. Today, however, the continued physical existence of Kiribati is far from secure. If the scientific community is correct, Kiribati could disappear entirely during the lifetimes of children who are alive today. However, the final wave or storm surge that submerges Kiribati will be only an epilogue to the true story of Kiribati and climate change that is yet to unfold. The past 20-40 years mark some of the greatest changes in the history of these Micronesian islanders. Traditionally, they enjoyed healthy

⁴² Linda Uan, 'Climate Displacement and Kiribati: Notes From the Frontline' in *Land Solutions for Climate Displacement* (Scott Leckie, ed) Routledge/Earthscan, 2014.

subsistence-based lifestyles grounded deeply within a cultural framework of which all i-Kiribati are immensely proud. More recently, however, for reasons of climate change, globalization and modern-day living, life has changed dramatically for the i-Kiribati people and now for the first time in their history they are suffering from severe overcrowding in the capital South Tarawa and face a series of preventable health concerns including diabetes, hepatitis, leprosy and TB. Access to clean potable water is becoming a serious problem throughout the country and employment, educational and other economic opportunities are severely limited. It is a nation beset with social, economic and human rights concerns. When visiting the country it is all too easy to lose sight of the longer-term threats to the nation given the growing slums in the capital, the ubiquitous rubbish piles that hideously pollute the once-pristine beaches and roadsides, crumbling infrastructure, decrepit health care and water services and other socio-economic ills that daily challenge the people and government.

30. Underlying all of these ongoing developmental and human rights concerns, however, is the uncertainty brought out by the potential impacts of climate change. These now permeate the daily thoughts of the i-Kiribati people. The chapters in the Kiribati story yet to be written cover the period from now until either mass displacement is somehow hopefully averted or, dreadfully, the nation is no more. These chapters will document how Kiribati organizes the 'dignified migration' of its citizens away from increasingly uninhabitable land – be it within Kiribati, across the ocean to other island states or to mainland countries such as Australia, Fiji, New Zealand or the US and Canada. They will also cover the manner in which the effects of climate change are prevented or slowed down, through initiatives providing drinking water, arable soils, a clean lagoon, sea walls and land reclamation to accommodate a growing population. Still more chapters will note whether governments, NGOs and other donors assisted Kiribati throughout this lengthy process to ensure both that human rights are the bedrock of all efforts and that the i-Kiribati retain their dignity in these future trying times. DS believes, despite everything, that every Kiribati citizen and, indeed, the very State of Kiribati itself, has rights to exist and flourish, and that the international community (in particular those nations most responsible for climate change) have a legal obligation, and not merely a moral one, to preserve the sovereignty of Kiribati and protect the full spectrum of human rights of all i-Kiribati people. Developing a new, human rights-based strategy to tackle development challenges now, while simultaneously preparing the population for the possibility of eventual flight will offer the best outcome for a country confronting challenges no country should have to face.
31. After intensive investigations within the country over the past several years and thorough analyses of numerous reports addressing the effects on Kiribati from climate change, DS believes that the pursuit of a coordinated strategy that focuses simultaneously on improving the human rights and development prospects of all i-Kiribati people today (*fight*), combined with an approach that guarantees the right to new land in safe locations, whether within the country or elsewhere, for everyone forced to flee the country as sea levels rise to unsustainable levels (*flight*) will hold out the best hope for the people of Kiribati. Although Kiribati has made repeated and valiant efforts advocating for climate change mitigation since joining the UN in 1999, as well as testing the region's political waters with proposals for mass migration and even the establishment of a new territorial configuration for the country, these pleas have largely gone unheeded. As a result, an understandable (but nonetheless worrisome for the implications this decision generates) consensus appears to be emerging within the country that neither mitigation nor adapta-



JUST A FEW YEARS AGO
MATHEW MATANG USED TO
DRIVE ALONG THE ROAD AND NOT
BE ABLE TO SEE HIS HOUSE. NOW
ALL HE SEES IS HIS DEVASTATED
LAND (SEE BOX 4).

*Image: Jocelyn Carlin
Location: South Tarawa, Kiribati*





BOX 4: ONE MAN'S DIFFICULT CHOICE IN KIRIBATI: TO STAY OR GO?

52 year-old Mathew Matang lives with 40 family members on customary land in Abaroa, South Tarawa, Kiribati. As with many land parcels on the atoll, one side of his land is bordered by ocean, and the other by lagoon. During a king tide in 2005, water rushed from the lagoon over a sandy rise, inundating much of Mathew's land. Ever since, high tides have enveloped his land with increasing frequency. As a result, Mathew's fish farm has been contaminated with salt water and is no longer viable due to regular flooding. Numerous food crops have perished and cannot be replaced. Tree roots and bases – the skeletons of deceased coconut, pandanus and breadfruit trees – litter the land, marking the places where healthy trees once stood. For Mathew's family, this environmental change has meant significant financial pressure, as they must now purchase food that previously they would grow themselves. Although their self-made seawall of coral and old machinery was overtopped and eroded, Mathew still believes that a new, higher seawall will solve his family's problems. However, he estimates that it would cost A\$200,000, which his family certainly cannot afford. Regrettably, the government's Kiribati Adaptation Programme (KAP) has not been able to access financing sufficient to enable it to pay for private seawall repairs or reconstructions. Despite knowing the projections of future sea-level rise and the risk of further storm surges, Mathew does not wish to leave Kiribati, the country he loves so dearly. His hope is that his government and the international community will not be too quick to encourage the migration of the i-Kiribati people. Instead, his wish is that those responsible for climate change will fund adaptation measures that lead to an improvement in the quality of life of the i-Kiribati people until the time when a national exodus becomes inevitable, which, of course, he hopes and prays will never come to pass.

tion will be substantial or rapid enough to save Kiribati in the long run. With hopes of mitigation diminishing, therefore, debate has centered on whether Kiribati should prioritize a flight strategy involving mass migration and relocation, or whether a series of major adaptation projects might yet yield the results needed to preserve Kiribati's place among the family of nations. Because of the seeming inevitability of i-Kiribati migration to safe third countries, most notably Fiji, New Zealand and Australia, some decision-makers have taken the view that adaptation measures are effectively a waste of both precious time and resources, in effect asking: "Why spend money on adapting to climate change and improving the social and economic prospects of the country if the population is just going to leave anyway?" Indeed, a simultaneous focus on both adaptation and migration requires a careful, yet precarious balancing act, and often this policy tightrope confounds both Kiribati supporters and donors as to which position to pursue; fight or flight? It is becoming increasingly clear, however, that an exclusive focus on either solution in isolation will not be sufficient, and that only a joint fight *and* flight solution will adequately protect the citizens of Kiribati and their culture.

32. A sole focus on adaptation might seem *prima facie* desirable, given the desire of many i-Kiribati to remain in their country of birth, the reluctance of either Australia, Fiji or New Zealand thus far to formally loosen their immigration policies to allow larger-scale migration from Kiribati, and also the brain drain dangers that such mass migration could pose for the economy, i-Kiribati culture, society and sovereignty. However, even though climate change scenarios are inevitably uncertain, the risk that climate change will make Kiribati uninhabitable despite the best adaptation efforts is growing with each passing year. At the same time, however, DS is convinced that with sufficient technical assistance, regional and global political backing and, above all, financial support, a meaningful portion of the physical territory of Kiribati can be preserved and improved in the coming decades, thus ensuring long-term human habitation, and hopefully, ever growing prosperity. To achieve this, though, will be an extremely daunting task. The government has estimated, for instance, that it would cost some US\$ one billion to construct a seawall around the capital South Tarawa alone. In a country with an annual GDP of less than US\$175 million and which to date has accessed less than US\$ 20 million in global adaptation funding, adaptation as a long-term strategy for national survival is clearly not without its practical limitations. As the main adaptation element in the government's overall strategy, the Kiribati Adaptation Programme is carrying out important work protecting key infrastructure and the freshwater supply, but these laudable efforts are no alternative for either a human rights-based social and economic development policy designed to raise the entire population out of poverty or comprehensive adaptation measures that will secure the land mass of the nation as a whole.
33. Although the international community has voiced its intention to help fund the climate change adaptation needs of developing countries, including frontline states such as Kiribati, only a minute amount of actual support has materialized. The new Green Fund, created in Cancun as part of the COP 16 agreements in 2010 with the exclusive purpose of financing adaptation measures to climate change, is intended to have an annual budget of US\$ 100 billion, making it the largest global adaptation fund. This is a welcome effort on behalf of the international community, however, not only are present contributions falling far short of this figure, but in addition, the application procedure is regarded as both far too complicated and stringent for small island nations to manage effectively. Consequently, DS has repeatedly urged States to make substantive contributions to the Green Fund and other adaptation funds now, as a matter of urgency, so

that vulnerable and under-resourced states like Kiribati can begin to implement approaches on the scale required to protect their citizens from the effects of climate change. Additionally, these funds should have clear and fair application procedures, so that deserving poor countries are not prevented from accessing them. Indeed, DS believes that funding earmarks should be made for all of the heavily affected nations, beginning with those such as Kiribati whose entire existence remains under threat. A US\$ one billion earmark to a Special Kiribati Adaptation Fund (SKAF) could well secure the continued existence of the country and prevent future displacement and the need for large-scale migration, and should be pursued without delay, here as well as in other similarly threatened countries.

34. Thus, while DS believes that comprehensive adaptation-based solutions are *possible*, particularly if the SKAF is created, at the moment it remains unlikely that Kiribati will be able to access the funds required for this to occur unless, of course, the practices and behaviour of donor nations improve dramatically. At the same time and as an interim step that could improve the long-term prospects of the country while larger-scale adaptation measures are contemplated, there is nothing in technological terms to prevent the construction of a soaring, reinforced tower or lighthouse (and residences) on a secured island where intensive land augmentation and land-level heightening processes are undertaken. This process could begin today and form the foundations of a far larger and more complete adaptation process such as the SKAF that could protect all of Kiribati over the longer term. This interim project could also help secure Kiribati's sovereignty for decades or centuries to come. These and other measures are possible, but the active pursuit of either comprehensive adaptation protecting the territory of the country as a whole or the idea of a lighthouse securing in perpetuity the land mass required to maintain sovereignty and the recognition by other nations, or even the implementation of a national development plan that secured the full spectrum of rights for the population, have all been over-shadowed by what appears to be the government of Kiribati's primary strategy for grappling with climate change, that of the 'flee and start again' approach, otherwise known as 'dignified migration'.
35. DS believes that given all other possible policy options open to the government at the moment, the dignified migration approach is grounded in reasonable assumptions and the practical truth of looming climate displacement in the country already even at this early stage. On the other hand, however, an overall climate change policy skewed too much in the direction of migration at the expense of development or adaptation financing stands a good chance of transforming what *could* be a possible future scenario for the people into what *will* actually occur; in effect creating a self-fulfilling prophecy. As the population becomes increasingly aware that political decision-makers are placing ever more faith and resources into dignified migration, and possibly less resources into specific adaptation measures and general socio-economic development, (both of which are seriously under-funded at the moment), it is possible that ongoing crises in the key areas of health care, access to potable water, overcrowding, domestic violence and numerous other developmental challenges will go increasingly unaddressed, and worsen further. If this were to occur, such a scenario could further encourage people to flee the country as overall living conditions decline, thus augmenting a debilitating brain drain that has already commenced, and mass flight that would alter the country beyond recognition. DS believes that far greater attention needs to be given to the brain drain issue, in particular in determining at which stage a tipping point will be reached when the population declines below a certain critical mass. In addition, a migration programme that in practice attracts only the most capable and excludes weaker

WHEN WILL THE
WATER RISE AGAIN?

Image: Kadir van Lohuizen / NOOR

Location: Khulna, Bangladesh







**"NEW LAND FOR LOST
LAND, NEW HOMES
FOR LOST HOMES"**

*Image: Kadir van Lohuizen / NOOR
Location: Sucunguadup, Panama*



THE HUMAN
FACE OF CLIMATE
DISPLACEMENT

Image: Kadir van Lohuizen / NOOR

Location: Khulna, Bangladesh





segments of society such as the elderly, the disabled and the poor could have disastrous consequences for those in the community who currently rely on eventual migrants who now provide their only means of support. To ensure that the country continues to progress – which is already extremely difficult in developmental terms – Kiribati will need to maintain a sufficient amount of skilled and educated people in the country. Consequently, a scenario whereby only the best and brightest from Kiribati are offered opportunities in host countries through the dignified migration process might require some re-thinking. As understandable and nuanced as the dignified migration policy may be, a dignified life, in full compliance with the universal rights held by all citizens, including basic guarantees to the highest attainable level of health, water, housing, work and many others for all i-Kiribati people needs to be universally attainable in the immediate term. While the government's record in respecting civil and political rights is generally admirable, efforts taken to secure the full spectrum of economic and social rights need to be far more robust than they seem to have been to date. To truly succeed, the government of Kiribati may best serve its people through a more balanced fight *and* flight approach which significantly expands attention to the many dramatic social requirements of the country today, while simultaneously exercising great caution in not overplaying its hand in the direction of dignified migration. Upholding and expanding the enjoyment of human rights and preserving and expanding dignity should be the mutual yardsticks used to measure any success in grappling with the immense and unprecedented challenges facing the people of Kiribati.



UNITED NATIONS SECRETARY
GENERAL BAN KI MOON
ADDRESSES A CROWD ON
A SHORT VISIT TO
KIRIBATI IN 2011

Image: Jocelyn Carlin
Location: South Tarawa, Kiribati



36. Over the past decade, the tiny atoll nation of Tuvalu has been in the global spotlight as one of the countries most vulnerable to climate change.⁴⁴ With only 26km² of land at a maximum height of just below five meters, the 11,000 people that call Tuvalu home are some of the most at risk of becoming eventually subject to permanent displacement as seas rise and temperatures increase. Because of its unparalleled vulnerability, the country has been particularly vocal in seeking appropriate international climate action since its admission to the United Nations in September 2000. Graphic images and accounts of king tides, as well as severe droughts, already ravaging the country have helped to spread word throughout the world about the tragic situation Tuvalu faces, as it struggles to find a viable solution for its people that will include the maintenance of its sovereignty, the preservation of its culture, and the protection of its land and the rights of its citizens. However, despite this global attention and the responsibility of richer, developed countries to remedy the crisis they have created, very little has been done thus far by the international community to assist in finding such solutions. Projects to capture rainwater, improve waste management and food security have been generously supported by donors, but comprehensive adaptation financing and programmes to expansively tackle both climate change effects and lingering hurdles to social and economic development remain to be seen.
37. Developing effective, practical and realistic responses to the prospect of climate displacement is particularly important in the instance of Tuvalu, because so much is at stake. Not only is Tuvalu's entire land mass threatened by climate change, but so too is its vibrant and rich culture. Despite the powerful and seductive temptations generated by globalization in Tuvalu, the core Tuvaluan culture, founded on both a prioritization of community living and a strong connection to the land, remains very much intact. Each day Tuvaluans spend their time in the company of friends and family, fishing traditionally, participating in ceremonial *fateles*, or playing sports on the airport runway in the capital Funafuti as afternoon melts into night. Without over-romantising matters, spending time in Tuvalu as DS has, one sees a way of life that is more relaxed and harmonious than that found in many other places. Fans of Aldous Huxley's final book *Island* will note more than a few similarities between Tuvalu and the Pala, the mythical island utopian paradise under constant external threats, the ultimate demise of which remains heartbreaking.⁴⁵
38. Though neighbouring Kiribati seems clearly to be leaning in the direction of the eventual dignified migration of its population, the government of Tuvalu, and what appears to be a clear majority of the population is committed to ensuring that, for as long as possible, Tuvaluans are able to continue residing safely in their home country. The government's approach to climate change thus far involves *solely* pursuing in-country adaptation measures, with a focus on ensuring water security and the protection of infrastructure from sea-level rise. With rising sea-levels, and the increasingly frequent occurrence of natural disasters associated with climate change, these measures are clearly crucial. Indeed, increasingly severe natural disasters have already been experienced and

⁴³ <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/tuvalu-climate-displacement>

⁴⁴ For an overview of how Tuvalu is grappling with the question of climate change, see: David Corlett, *Stormy Weather: The Challenges of Climate Change and Displacement*, UNSW Press, 2008. For an historical overview of the country, see: *Tuvalu: A History*, Institute of Pacific Studies, 1983. For another view on life in Tuvalu, see: Philip Ellis, *Where the Hell is Tuvalu? How I became the law man of the world's fourth-smallest country*, Virgin Books Ltd, 2000.

⁴⁵ Described by *The Times* as "One of the truly great philosophical novels", *Island* is required reading in the era of climate change and the losses incurred because of it. See: Aldous Huxley, *Island*, Flamingo, 1962.

documented in Tuvalu in recent years, including a number of dramatic king tides, and the 2011 drought, which received considerable international media attention. The drought was so severe, in fact, that schools were closed and a national state of emergency was proclaimed. Similar to other atoll and island nations grappling with the dual challenges of climate change and ongoing poverty and economic stagnation, it is clear that Tuvalu will need to expand both its adaptation measures, as well as national policies geared towards the protection of basic economic and social rights. During various visits to Tuvalu, DS has noticed a palpable anxiety about the effects of climate change, and in particular, the threat this might pose for the children of this country. Massive up-scaling of adaptation efforts, carried out and driven-by the population themselves, with increased donor support, will give these citizens a degree of real protection, as well as encouraging a much-needed psychological sense of security. In terms of engineering-based adaptation solutions, Melton Tauito, the National Climate Change Coordinator, estimates that the construction of a seawall around Fongafale, the main islet of Funafuti where almost half of the population resides, would cost \$30 million. Although this measure is far more expensive than any other climate change projects that have been pursued thus far in Tuvalu, and would require ongoing maintenance, exploring the feasibility of micro-level solutions such as this seems highly beneficial. Not only will they prolong the habitability of this important, heavily populated islet, but also may allow this land mass to remain as a Tuvaluan land mass, ensuring the ongoing protection of the country's sovereignty.

39. Although far larger-scale adaptation measures must be pursued for the sake of Tuvalu's ongoing habitation and sovereignty, a number of other development issues also threaten to undermine the economic and social rights of Tuvaluans, including housing, land and property rights. With a GDP of only US\$ 36 million, the lowest of any country in the world, the financial capacity of Tuvalu to carry out adaptation measures sufficient to protect the country from both the short- and long-term effects of climate change, is greatly limited. Similarly, even though per capita GDP is US\$ 3,400, the government's ability – even when the political will exists to do so – to secure the full spectrum of human rights is restricted. Tuvalu faces serious problems relating to overcrowding, the rise of urban slums, a lack of sanitation, severe drought and water shortages, the unresolved issue of what to do about the nine highly polluted borrow pits in Funafuti and ongoing problems with waste management, all of which will only worsen with the effects of climate change.
40. In contrast to similarly threatened Kiribati, the government of Tuvalu has continually expressed its intention to pursue only domestic adaptation measures, based on the strong desire among Tuvaluans to stay in their country of birth. To date planned relocation or migration options do not appear to have been thoroughly considered or planned by the government. Indeed, Tuvalu rejected a recent offer from New Zealand to increase the annual quota of Tuvaluans accepted as migrants under the Pacific Access Category. Tuvalu correctly believes that it has a legitimate right to demand that the countries responsible for causing climate change provide funding for adaptation projects to allow its citizens to continue living on their present land plots. And yet, the funds thus far provided to Tuvalu have been minimal. As DS has suggested with respect to other climate-affected countries, we believe that funding earmarks should be made for Tuvalu within the global Green Fund to ensure that the country receives its fair share of international support. And as we suggested the establishment of a SKAF for Kiribati, so too would we recommend a Special Tuvalu Adaptation Fund (STAF) designed along the same lines to protect the people of Tuvalu. At the same time, however, planning for Tuvalu's future based solely on the hopeful

presumption that either the government and/or the international community will provide the financial resources required to secure long-term habitation of the country, is clearly only part of what should be a comprehensive approach to the management of the effects of climate change, grounded in all possible climate eventualities. As such, while DS believes the consistent approach of the government to focus on remaining in Tuvalu is a laudable and understandable one, it would equally be prudent for the Tuvaluan government to investigate planned relocation and migration options in addition to adaptation, to ensure the long-term protection of its citizens' human rights.

41. In considering the possibility of eventual flight from Tuvalu, the Tuvaluan government would not be promoting something with which the country is not already very familiar; as noted above inter-island migration has been a common occurrence in the Pacific and Tuvalu for many decades with thousands of Tuvaluans permanently resident in New Zealand. In addition, labour migration has occurred whereby Tuvaluans have worked at plantations in Samoa and Queensland, Australia, as well as at phosphate mines in Banaba Island, Kiribati, and Nauru. Internal migration from the outer islands to Funafuti has also been substantial since the late 1990's, and still continues today, as does the temporary migration of students to Fiji to study at the University of South Pacific. Migration plans to assist Tuvaluans could take many forms. The most substantial programmes exist in New Zealand, whereby 75 Tuvaluan migrants are accepted each year under the Pacific Access Category (PAC), and Tuvaluans are able to work in New Zealand's agriculture sector for a period of six to nine months under the seasonal migration scheme. However, even these projects seem to fall short of sufficiently providing for Tuvaluans needs – the acceptance threshold for the PAC is difficult to meet for Tuvaluans, and the annual quota is seldom filled. To prevent brain drain, and to allow a sufficient number of Tuvaluans to migrate to New Zealand, these conditions should be relaxed, and measures should be undertaken to ensure that the Tuvaluan culture is supported in Auckland, where most migrant Tuvaluans live. As the regional economic superpower, Australia has a strong responsibility to accept a far larger number of Tuvaluan migrants – currently only 300 or so Tuvaluans are living in Australia – and to expand its seasonal migration schemes. Migration schemes such as this will help to reduce overcrowding in Tuvalu and encourage stronger ties between Tuvaluans and these potential host countries, making any large-scale future migration more likely to be successful for all parties involved.
42. As a very different migration option and more similar to the current situation facing Tuvalu than expanded labour migration schemes, a segment of the population of the island of Vaitupu migrated successfully to the Fijian island of Kioa in 1946. Kioa was purchased as a freehold settlement for Tuvaluans in 1951, and a small but steady flow of migration from Tuvalu has occurred. It has been suggested that a large proportion of Tuvaluans could move to Kioa as climate change worsens, and that this island could act as a safe-haven for the Tuvaluan culture and language.⁴⁶ Further research is required to determine how many people could realistically and sustainably live on Kioa Island, how the host community views such a prospect, and how much it would cost to carry out sufficient development projects to allow a larger number to migrate there. Additionally, the conditions, if any, under which Fiji would grant Tuvalu sovereignty or a measure of autonomy over the land must be determined. DS believes that it would serve the interests of the people of Tuvalu and the government to develop systematic contingency plans involving possi-

⁴⁶ See, for instance: <http://www.tuvaluaislands.com/news/archived/2006/2006-02-20.htm>.

ble planned relocation of the Tuvaluan population to places such as Kioa Island and elsewhere to ensure that countries in the Pacific region are open and politically prepared to possibly host Tuvaluans should the fateful day of flight come to pass. Not only would migration planning be wise politics, but it may well be consistent with the wishes of many Tuvaluans. Recent national surveys have revealed that the majority of the Tuvaluan population would look favourably upon the government at least investigating migration options. As much as the government and people of Tuvalu understandably wish to remain within their cherished homeland, many Tuvaluans and their families have personal migration plans already, which they will pursue if severe climate change events come to pass.

43. The vexing question that both the government and the governed in Tuvalu and the international community face in relation to the world's smallest nation is how can the Tuvaluan way of life be preserved, the enjoyment of human rights strengthened and the socio-economic fabric of the society be enhanced, while simultaneously securing the future in the face of what will be a long battle with climate change? At the most fundamental level, Tuvalu needs to stand on its own feet rather than being reliant on aid or ongoing and expanded development assistance for its survival and prosperity. At the same time, it is self-evident that quantum increases in adaptation funding will be necessary to ensure that the measures required are taken in relation to basic infrastructure – clean water, sanitation and coastal erosion, all of which can assist in protecting the country against some of the ravages of climate change, while at the same time, improving living conditions. In the long run, it is tragically almost certain that Tuvalu will need to be evacuated, and Fiji offers one of several viable options for relocation, in particular to Kioa Island.⁴⁷

⁴⁷ DS visited Kioa in early 2013 and discussed the possibility of eventual resettlement there by migrants from Tuvalu, and just as in Naviavia found only begrudging support for such possible future moves. Kioa was settled by people from Vaitupu atoll, one of the most important atolls of Tuvalu, with the first 36 settlers arriving in 1947. One settler, Siapo Paka, is now 89 years old and is the only original settler still alive today. Kioa itself has not been unaffected by climate change and is already suffering from severe coastal erosion, resulting in the main jetty on the island being washed away.

BOX 5: THE DS PALA PROJECT

The Pala Project is comprised of four sub-projects which together aim to improve living conditions in Tuvalu and strengthen the long-term sovereignty and relocation prospects of the body politic. These include projects to solve Funafuti's municipal waste problem, solving the borrow pit problem by creating new land higher than any anticipated sea level rise by filling in the nine borrow pits with soil imported from Fiji, New Zealand, Australia or elsewhere, thus creating a considerable amount of new and usable land, securing access by all Funafuti households to local organic vegetable gardens and finally, exploring the feasibility of possible long-term voluntary relocation to Fiji. As of 2013, it is the clear wish of most Tuvaluans to remain for as long as possible in their country notwithstanding how severe sea-level rises may be. Bearing this fully in mind, the Pala Project is designed above all to enable Tuvaluans to stay as long as physically possible in Tuvalu, while simultaneously improving the living conditions facing the population.

While Displacement Solutions fully supports this majority aspiration, it is equally clear that contingency planning for worst case scenarios should also take place and be carried out in the most comprehensive manner possible, and based on the assumption that should things remain constant in global climatic terms, it is more likely than not that the entire land mass of Tuvalu will be completely inundated by the year 2100. While it is sincerely hoped that this day will never arrive, it would be remiss to not – at the very least – explore all possible relocation scenarios were circumstances to so dictate.

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44. In the event that the physical territorial integrity of the Carteret Islands, Kiribati and Tuvalu (and other nations and territories including the Marshall Islands, the Maldives, Palau and others) cannot be maintained, relocation of some kind (preferably thoroughly planned, well-coordinated and adequately financed) will be the only alternative to spontaneous/unorganized internal or international migration. Experience has shown time and again that successful relocation, even within nations because of development and infrastructure projects, resource extraction and other pressures, is anything but a certainty.⁴⁸ Thus, DS believes that the investigation of planned relocation as a solution to climate change in all countries threatened by climate change needs to be a prerequisite of responsible policy. With particular reference to Kiribati and Tuvalu, alongside other adaptation measures it is essential to explore realistic, voluntary, fundable and properly managed relocation outcomes that are designed from the outset to protect the human rights of the citizens of Kiribati and Tuvalu to the greatest possible extent, in a sustained manner. If implemented correctly, at one level such an approach could ensure that at least some land is reserved or otherwise set aside within one or several larger countries located near or adjacent to threatened atoll nations that could serve as a national or cultural central territory, and potentially a partially sovereign or autonomous home base from which new forms of national heritage, culture and perhaps even political leadership could be located. Such places would have both practical and symbolic importance for the peoples of these nations, and allow an effective relocation planning process to commence based on identified land parcels agreed by the host country concerned.
45. From this perspective, the growing national discussions on planned relocation within both Kiribati and Tuvalu is encouraging, even if the official policies of both countries do not yet prioritise such dramatic measures. The acquisition of land in Naviavia, Vanua Levu, Fiji by the Kiribati government is perhaps the first precursor to a much needed - albeit delayed - shift of focus to relocation as one of the solutions to climate displacement in the Pacific, even though the government claims the site is purely for purposes of agricultural development and income generation. Relocation has also entered the political discourse in Tuvalu, where popular interest in possible relocation to various locations (including to Kioa Island in Fiji, which is now mainly populated by Tuvaluans) has been noted during intensive public discussions, even while official policy remains to stay for as long as physically possible. Relatedly, and from a host perspective, the Fiji government has already extensively discussed the possibility of hosting climate migrants from both Tuvalu and Kiribati.⁴⁹ Indeed, as the practical limits of internal relocation become ever more clear to both atoll governments, but particularly that of Kiribati, President Tong's government (as has the government of the Maldives and others) has begun to look well beyond its borders for permanent land-based solutions to the climate predicaments facing the nation. In meetings with high-ranking government officials in Kiribati, DS was informed about the land purchase of Naviavia on the island of Vanua Levu in Fiji, for purportedly several million US dollars. As of mid-2013, a contract has been signed with the Anglican Church which sold the land, and a 10% down payment has been made. The 6,000 acres of Naviavia is triangular in shape, tapering

⁴⁸ See, for instance, Anthony Oliver-Smith, *Development & Dispossession: The Crisis of Forced Displacement and Resettlement* (School for Advanced Research Advanced Seminar), School for Advanced Research Press, 2009.

⁴⁹ 'Fiji's interim minister of foreign affairs, Ratu Inoke Kubuabola, announced in Copenhagen that Fiji would consider taking 'climate change refugees from Tuvalu and Kiribati in the future', p. 90. Source: Richard Bedford and Charlotte Bedford, 'International Migration and Climate Change: A post-Copenhagen perspective on options for Kiribati and Tuvalu' in *Climate Change and Migration: South Pacific Perspectives*, pp. 89-134, (Burson, ed), Institute of Policy Studies, Wellington, 2010.

inland with the widest part of the land abutting the mangrove coastline. Much to our surprise, when DS visited Naviavia we discovered that far from being vacant, the centre of the land parcel contained a village also called Naviavia which is home to 300 long-term inhabitants, many of whose ancestors were brought to Fiji as slaves from the Solomon Islands in the 1800's. During our on-site investigations in Naviavia discussions with many villagers revealed that because the Anglican Church owns the land, village elders argue that the trustees of the Church are not legally entitled to sell it, because it legally belongs to the bishop, thus creating additional concerns. At the moment, villagers are reluctant to host future migrants from Kiribati, and fear that the arrival of too many people will be detrimental to them, as well as leading to worsening erosion and likely pollution of the river. Moreover, there has yet to be any formal decision by the government of Fiji concerning the eventual relocation of people from Kiribati, nor has there been a decision officially from the Kiribati government itself, so the entire process remains largely theoretical at this stage.

46. Having said that, it is clear that additional in-depth research is required to determine if the orderly relocation of people from Kiribati to Naviavia is feasible at all. Vital policy decisions have not yet been made by Fiji, and far too little remains known thus far about the precise ownership rights of the land in question, the possibilities for economic activity in Naviavia and how much of the 6,000 acres is actually habitable or arable. Indeed, from visual observations, it appears that at least one-third of Naviavia is so steep and mountainous that it would support neither agriculture nor human habitation. DS is in the process of investigating this development further, and is currently seeking support for an in-depth project exploring the feasibility of relocation to Fiji by both the people of Kiribati and Tuvalu. Of course, inter-island relocation and inter-country resettlement are not new phenomena in the region, or to the people of Kiribati or Tuvalu. The highly controversial resettlement of virtually the entire population of Banaba Island in Kiribati to Rabi Island in Fiji in 1945, as a consequence of resource depletion and associated phosphate mining, serves as a warning to Kiribati's population today. As things now stand, suffice it to say that the Naviavia option could, if played out carefully and with the full political support of Fiji,⁵⁰ be pivotal in the multi-level efforts by Kiribati to simultaneously preserve the cultural identity of the people, protect their human rights and secure what would effectively amount to a safe haven for ongoing governance of Kiribati should this be impossible within Kiribati itself. Done properly, an eventual relocation exercise could yield positive results for those choosing to voluntarily move in this manner. Conversely, if done poorly without adequate preparation, financing and planning, a complex exercise of this scale and magnitude could all too easily have catastrophic consequences for everyone involved. All participants in the process - the people moving, the host community of Naviavia and both the government of Fiji and of Kiribati - need to be actively engaged in developing plans and processes that will prevent any resettlement site from suffering the fate of so many other attempts at relocation - impoverishment, health crises, instability and insecurity. Clearly, if it ever takes place in Fiji, it needs to be done right.

⁵⁰ Fiji is not without its own climate challenges, and is already suffering the effects of climate change. Based on on-site investigations by DS, we found that Daku village (Rewa delta) on Vitu Levu is very vulnerable, facing regular flooding of the river and sea water intrusion. With outside assistance, Daku village has constructed five floodgates which prevent constant flooding at high tide, but the community is aware that this is not a long-term solution. In Vunidoloa village, also on Vanua Levu, the 140 inhabitants frequently grapple with floods due to high tides, which threaten the livelihood of the people. The government has recognized the issue and decided to re-locate the village to higher grounds. Unfortunately, however, due to bad engineering and planning, the new location is already eroding away before the first house is built. While in Vunisavisavi, Vitu Levu, a village of 50 people, two families have already voluntarily relocated. The village was founded by James Dunn an Irish explorer who came to Fiji in the 1800's. The village has constructed five seawalls, but all of them have failed. The beach is now gone and the local cemetery is fully submerged at high tide.



TUVALU ALREADY
FACES FREQUENT
FLOODING AND
UNUSUALLY HIGH
KING TIDES

Image: Jocelyn Carlin
Location: Funafuti, Tuvalu



47. Although small island nations continue to receive the bulk of attention by the media and in broader discussions on climate displacement, in pure numbers of people affected by climate displacement perhaps no country will actually be more affected than Bangladesh; a very densely populated country with a population of no less than 170 million. Already severely struggling against land scarcity, overcrowding and slums that grow by two million dwellers each year, with half of Bangladesh's population living in areas less than five meters above sea level, the country has begun to witness climate-induced displacement across much of its coastline. According to one analysis: "In the severe climate change scenario, sea level rise poses an existential threat that would inundate 18 percent of Bangladesh's total land, directly impacting 11 percent of the country's population. Salt water intrusion from sea level rise in low-lying agricultural plains, along with other hazards, could lead to a 40 percent decrease in food grain production and will increase forced migration to the urban slum areas".⁵² Estimates show that just a 1 to 2 degree increase in temperature would force physical dislocation of anywhere between 20-35 million people in Bangladesh.⁵³ The results of modelling longer-term changes in coastlines as a result of rising sea levels suggest that the government may be required to support mass movements of coastal populations, with perhaps one in every seven Bangladeshis displaced by climate change by the year 2050.⁵⁴
48. While the government of Bangladesh has clearly recognised the immensity of the problem, it has yet to proffer any comprehensive plans, programs, policies or institutional frameworks by which the climate displacement crisis can be prevented and resolved in a sustainable and human rights-based manner.⁵⁵ The immensity of this challenge is understood by many within the government, however, neither the political will nor the financial or technical resources required to implement the human rights-based adaptation responses needed to resolve this crisis are at all apparent in today's Bangladesh. Indeed, rather than designing and implementing human rights-based national solutions, the government is increasingly claiming that these environmental "refugees" require international solutions and should be received by other States as part of international migration programmes. This has meant that to date, most of those displaced by natural hazards and the effects of climate change have received little or no formal support. There are currently no government programmes that provide targeted assistance to these climate displaced persons to find new homes and new lands for their lost homes and lost lands. Many climate displaced persons have been forced to make the difficult decision to relocate to other parts of the country, often to the slums of Dhaka or the hills of Chittagong, or for the vast majority who have already been displaced, to hold out the very distant prospects of return to their former lands while waiting in often highly precarious circumstances. National policies concerning climate change and environmental issues such as the National Environment Policy (1992), the Coastal Zone

⁵¹ <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/bangladesh-climate-displacement>

⁵² Md Shamsuddoha and Rezaul Karim Chowdhury, *Climate Refugee: requires dignified recognition under a new Protocol*, Equity and Justice Working Group Bangladesh, pp. 3-4, April 2009.

⁵³ These are commonly cited figures, though a recent report gives substantially higher estimates of 95 million displaced persons by 2040. See: <http://www.defence.pk/forums/bangladesh-defence/221847-95-72-million-may-climate-displaced-2040-a.html>

⁵⁴ Supra Note 52, pp. 4-6.

⁵⁵ See, for instance, Dulal Chandra Roy, *Vulnerability and population displacements due to climate-induced disasters in coastal Bangladesh*, Centre for Geoinformatics (Z_GIS), University of Salzburg, Austria.

Policy (2005), the National Adaptation Programme of Action (NAPA, 2005) and the Bangladesh Climate Change Strategy and Action Plan (2009) recognise climate change problems, but there are no clear indications how population displacement problems will be addressed in these policies.⁵⁶ As experienced in the aftermath of cyclone *Aila* in 2008, there are structural weaknesses and inefficiencies in managing the many natural disasters that occur regularly in Bangladesh, and this augers poorly for communities threatened by climate displacement. The climate adaptation responses undertaken thus far at the government level have tended to focus on technological and engineering measures such as the emergency repair of breached levees and embankments, which although vital, place virtually no attention on measures that could provide the displaced population with permanent solutions to their displacement. As a result, many of those thus far displaced in the southern delta region, for instance, are forced to live atop diminishing levees in appalling circumstances that severely and negatively affect their human rights, health and livelihoods.⁵⁷

49. Bearing these perspectives in mind, DS has been working for several years in Bangladesh with local organisations, in particular Chittagong-based Young Power for Social Action (YPSA), building an initiative designed to secure the rights of those displaced by climate change by acquiring new land resources for displaced communities. The work of the DS-YPSA *Bangladesh HLP Initiative* centres on our view that rather than focusing on technological or engineering solutions to climate adaptation (which, in many instances, will have only very short-term impacts) or placing faith in the good will of the international community to accept Bangladesh's "climate refugees", it makes far more sense and stands a far greater chance of success if this focus is instead placed on the prospects of internal relocation within the borders of Bangladesh as the primary solution to ongoing climate displacement. If pursued cleverly and supported by sub-district, district, divisional and national governments, concrete, human rights-based and land-based HLP solutions are available in Bangladesh for the vast majority of the current climate displaced population, as well as for most of those to be affected by the anticipated displacement in coming decades. The Bangladesh HLP Initiative is a complex, multi-year and multi-layered plan designed to empower Bangladesh's displaced communities to realize their HLP rights through a detailed process involving training and capacity building, monitoring where and how climate displacement occurs in the country on a regular basis, acquiring and allocating land from private individuals and government for the exclusive use of climate displaced families, preparing model relocation housing sites, designing and building prototype climate-resilient housing and various advocacy measures.
50. Guided by the active participation of displaced communities and organized around the slogan "New land for lost land, New homes for lost homes", the DS and YPSA partnership works to concretely combat the displacement consequences of climate change and ensure rights and justice for the growing climate displaced population of today's Bangladesh. One of the key areas of intervention concerns the identification of land that could be distributed to climate displaced communities to enable them to re-establish homes on safer land. Among other activities in this regard, in 2012 DS commissioned an in-depth expert study that tasked the researchers with identifying land resources in the Chittagong area that could realistically be acquired by climate displaced communities; in effect providing land-based solutions to their climate displacement

⁵⁶ Akter, T. (2009). *Climate Change and flow of environmental displacement in Bangladesh*, Unnayan Anneshan-The innovators, Dhaka, Bangladesh.

⁵⁷ See, Displacement Solutions, *Climate Displacement in Bangladesh: The Need for Urgent Housing, Land and Property (HLP) Rights Solutions*, 2012.

DISPLACED
BANGLADESHIS IN NEED
OF NEW LAND

Image: Kadir van Lohuizen / NOOR

Location: Dacope, Bangladesh



through a process of planned relocation and rehabilitation. After extensive analysis of land acquisition processes and exploring land availability, in early 2013 the DS study identified an initial total of 104.28 acres of land in the Chittagong region as potential relocation sites, including: 13.32 acres in Sitakunda Upazilla; 18.59 acres in Mirsarai Upazilla; 67.71 acres in Rangunia Upazilla; and 4.66 acres in Chandanaish Upazilla.⁵⁸ Predominately *khas* land (or state land that only the government can distribute), all of these land parcels could be accessed and acquired by civil society groups and climate displaced communities, with the collaboration of the government, for use as possible relocation sites. These land parcels have been identified following 'multi-criteria analyses' as a spatial decision support tool, that included road connectivity, proximity to growth centres and social service facilities, elevation and suitability for housing and unlikelihood of erosion. The land parcels were also physically verified to assess their availability, the current status of occupancy and suitability for future human settlements.

51. As of mid-2013, further research is underway concerning these land parcels, as well as additional activities to identify additional land sites throughout the country as possible voluntary relocation destinations. Once we have ascertained which land parcels would best serve the interests of climate displaced communities in the Chittagong area, the Bangladesh HLP Initiative will prepare a detailed feasibility study in close cooperation with the climate displaced communities concerned, and then present this study to the local governmental authorities with a formal request to release the land for the exclusive purpose of voluntary relocation of these communities. If certain land parcels are privately owned and not occupied by others, the DS-YPSA partnership may also seek to acquire good sites (through grants and purchase), transform the title into community land trusts, and then begin the complex and long-term task of preparing the land for resettlement and the emergence of new, viable and prosperous new human settlements. DS and YPSA have urged the government to do more to protect the specific HLP rights of the climate displaced population in the country, which will only grow in coming years. Among other recommendations, we have urged better coordination and communication between the government, civil society and affected communities, the need for a human rights-based national plan and policy to resolve climate displacement, the potential of the village cluster model for climate displaced communities, and the importance of land acquisition and land set-aside projects and so forth.
52. A further aspect of the Bangladesh HLP Initiative, which we believe to be particularly important, relates to research we have sponsored on the viability of the Chittagong Hill Tracts (CHT) as a possible source of new land resources for climate displaced communities.⁵⁹ Because the CHT (which is located in the eastern portion of the country, along the border with Myanmar and India), is far and away the largest part of the country with high elevations and mountainous terrain, some have logically, albeit perhaps naively, suggested that despite a long history of political violence and instability, that the 'high ground' of the CHT could be a possible relocation destination for lowland people and coastal dwellers displaced due to climate change. Moreover, some community leaders with whom DS has spoken from the low-lying southeastern part of Bangladesh have already spontaneously relocated to the CHT without government assistance,

⁵⁸ See, Md. Shamsuddoha, Mohammad Shahid Ullah & Mohammad Shahjahan, 'Land Acquisition for Climate Displaced Communities in Bangladesh' in *Land Solutions to Climate Displacement* (Scott Leckie, ed), Earthscan from Routledge, 2014.

⁵⁹ See, Mohammad Shahid Ullah, Md Shamsuddoha & Mohammad Shahjahan, 'The Viability of the Chittagong Hill Tracts as a destination for Climate Displaced Communities in Bangladesh' in *Land Solutions to Climate Displacement* (Scott Leckie, ed), Earthscan from Routledge, 2014.

and have succeeded in establishing small settlements in isolated pockets of the elevated terrain. With a view to better understanding what on the surface appeared to be a potentially interesting possible relocation destination for at least some of the growing displaced people in the country, DS asked several local experts to explore whether or not further energy should be devoted to the idea of the CHT as a relocation area. After extensive research, the experts found that it would be destructive to seek to relocate and rehabilitate climate-displaced people from the plain lands to the CHT both for the ecological balance of the region, and for the indigenous people of CHT. The study pointed out that the CHT is one of the most disadvantaged and vulnerable regions in the country in terms of almost all major development indicators, including income, employment, poverty, health, water, environment and sanitation, education, women's employment, access to infrastructure and national building institutions, peace and inter-community confidence. In addition, it uncovered relevant components of the 1997 Peace Accord which made the following modifications to land law in the CHT, under Clause 26, section B: "By amendment of section 64 the following sub-sections shall be made: (a) Notwithstanding anything contained in any law for the time-being in force, no land within the boundaries of Hill District shall be given in settlement, purchased, sold and transferred including giving lease without prior approval of the Council: provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydro-electricity Project, Betbunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government; (b) notwithstanding anything contained in any law for the time-being in force, no lands, hills and forests within the boundaries of the Hill District shall be acquired and transferred by the government without consultation and consent of the Hill District Council." In effect, thus, this amendment indirectly prevents outsiders from acquiring land in the CHT region. Furthermore, although it is widely believed elsewhere in the country that vast tracts of land in the CHT are lying empty, in reality, there is very little cultivatable land in the CHT. Even as early as 1918, when the population of the CHT was only 200,000, it was found necessary to restrict the migration of people from the low plain lands to the CHT. The Kaptai Dam, which submerged 40% of the CHT's prime cultivable land, aggravated the situation and sowed the seeds of conflict in the area. The insurgency and counter-insurgency changed the socio-cultural landscape of the region, resulting in thousands of people being killed and mass displacement. The government policy supporting the resettlement of Bengali families into non-Bengali areas of the CHT has had far reaching consequences for the land and indigenous peoples of the area. The land in the CHT simply cannot sustain the population that it now has, let alone considerable rises in the population due to climate relocation. Clearly, the CHT will unfortunately not work as a destination for climate displaced communities, and other alternative land sites will need to be found if the 20-35 million future displaced people are to have a chance to live a life with their HLP rights being met.

53. These examples of real, ongoing and permanent climate displacement and the responses and policy options available to address them are, of course, just a portion of the far larger number of places where these processes are already well underway. The monumental relocation of the 321 coastal dwelling villagers of Newtok Village on the western coast of Alaska in the United States to nearby Nelson Island is the start of what is likely to be a far larger relocation process of indigenous Alaskans as their long inhabited coastlines become increasingly unviable.⁶⁰ In Panama,

⁶⁰ For an excellent and detailed overview of this process, see: Robin Bronen, 'Climate-Induced Community Relocations: Creating an Adaptive Governance Framework Based in

BOX 6: THE IMPACTS OF CLIMATE CHANGE ON BANGLADESH

Climate change is expected to exacerbate many of the existing natural hazards that Bangladesh faces, resulting in: Increasingly frequent and severe tropical cyclones with higher wind speeds, higher storm surges leading to increased damage of housing, land and property and displacement along the coastal belt of Bangladesh; Heavier and more erratic rainfall during the monsoon season resulting in higher river flows causing over topping and breaching of embankments along with widespread flooding in rural and urban areas leading to the loss of housing, lands and livelihoods and river-bank erosion resulting in the loss of further housing and agricultural lands into the rivers; Sea level rise which will increase coastal flooding leading to the submergence of low-lying coastal areas as well as saline intrusion into aquifers and coastal rivers. Increased riverbank erosion and saline water intrusion in coastal regions are expected to displace hundreds of thousands of people who will be forced to migrate.

The government expects that sea level rise alone could displace 6-8 million people. It is anticipated that the impacts of climate change will predominately affect the most vulnerable in Bangladeshi society, including the people living on river islands (chars) and along the coastal regions of Bangladesh who are among the poorest in the country.

Kuna Yala, a narrow strip of land 400 kilometers long and an archipelago of 365 islands off the Caribbean coast, along the road between the island of Carti Sugdup and the Pan American Highway. The project also includes roads and facilities, and will take years to complete. As mentioned at the outset, nearly 300,000 coastal properties along the Australian coast are recognized by the government as under threat from climate change. Sadly, the list goes on and all indications are that it will continue to grow in coming decades. In all corners of the planet, therefore, people are beginning to leave or contemplate their eventual departure from their homes and lands because of climate change. With absolute certainty, we can emphatically state that these numbers will continue to grow in coming years and decades. DS and many others engaged in the climate displacement field now know with increasing accuracy where climate displacement will occur, how many people will be affected and to which locations the displaced are most likely to seek refuge. Many gaps in knowledge remain, of course, and much more research is required, but our collective understanding of the scale, scope and location of climate displacement is clearly and measurably evolving. What remains, then – beyond the inevitable political will and economic resources that will be required to address this crisis – is to identify the policy options available to people and those governing them that will secure land-based solutions to climate displaced communities the world over. Based on our direct work in many climate-affected countries and on the efforts of scores of others working for climate justice, we now turn to several concrete, practical and actionable policy options that could be pursued to resolve climate displacement in all of its forms, be it large or small.

II. POSSIBLE LAND SOLUTION TOOLS TO RESOLVE CLIMATE DISPLACEMENT

54. Since it commenced its work on climate displacement with a focus on preventing, preparing for and resolving this growing human tragedy, DS and its associates have worked in ten climate-affected countries: Australia, Bangladesh, Fiji, Kiribati, New Zealand, Maldives, Myanmar, Papua New Guinea, Thailand and Tuvalu. We intend to expand our attention to additional countries in coming years, including Canada, Solomon Islands, the US, Vietnam and others. Within each of the countries where we have worked on these concerns, we have built up institutional and personal relationships with key players and allies concerned about climate displacement. In some of these countries, such as Bangladesh, Kiribati, Maldives, Myanmar and Tuvalu we have been able to engage with leading political figures including government ministers, presidential advisors, prime ministers, leaders within climate adaptation facilities and, of course, innumerable civil society groups, communities and the people themselves. In what is to date far and above the country most heavily affected by climate displacement – Bangladesh – we have entered into a multi-year partnership with a leading national NGO with a view to both raising the profile of climate displacement within the country and the broader world, and even more importantly to attempt to structurally address climate displacement through a focus on land solutions to climate displacement. In PNG we put together what could have become the first comprehensive land sale and purchase plan designed from the outset to provide durable human rights-based solutions to climate displacement from the Carteret Islands, a deal which fell through due to questionable practices on the island of Bougainville where the relocation would have taken place. We were the first international organization to report on the purchase of land in Fiji by the government of Kiribati, and also the first to visit the land at Naviavia. And, of course, DS led the initiative that generated the *Peninsula Principles on Climate Displacement*.
55. These six years of trying to find best case, land-based outcomes for people already on the move and particularly for the far larger numbers of people threatened with future climate displacement, have provided us with a rich and deep series of insights into just how difficult the processes for resolving climate displacement will be in practice. In seeking to fix climate displacement, all of those concerned with these processes will be forced by circumstance to grapple with some of the most complex areas in any society; land and property rights, land acquisition, relocation of entire villages and perhaps even countries, the relationship between customary land rights and formal land laws, the rights of the most vulnerable sectors of society, disaster planning and prevention, massive infusions of public and private funds and, above all, political and economic interests that are neither favourably disposed towards or even recognise the immense problems facing the world's climate displaced population. And yet, as difficult as these challenges are and as entrenched as these vested interests may be, it is clear that everyone who is affected by climate displacement will need to go somewhere, and the manner by which this process is handled and managed by governments concerned will provide clear evidence of whether or not the rights

BOX 7: THE BANGLADESH HLP INITIATIVE

DS and YPSA initiated the Bangladesh HLP Initiative in 2011 as part of the DS Climate Change and Displacement Initiative. To date, DS and YPSA have prioritized the question of how to resolve climate displacement in a human rights-based manner that recognizes and protects the broad spectrum of housing, land and property (HLP) rights of climate displaced persons across Bangladesh. As part of the Bangladesh HLP Initiative, DS has developed an in-depth understanding of climate displacement through meetings and discussions with climate displaced persons and through extensive travel across the country, including to 16 different climate-affected districts.¹ In addition to meetings and discussions with thousands of people displaced by natural hazards and the effects of climate change, DS has also held extensive meetings and discussions with local, regional and senior government officials, local and national civil society organisations, media professionals, academics, international NGOs and representatives from UN agencies. Since 2011, the Bangladesh HLP Initiative has achieved a number of considerable successes, including: the provision of comprehensive training sessions to over 700 civil society representatives and government officials on the housing, land and property rights of climate displaced persons;² undertaking extensive advocacy and lobbying with local, regional and senior government officials and representatives on the need to respond to climate displacement in a human rights-based framework, which has resulted in DS and YPSA being requested by senior government officials and representatives to provide technical advice and support to the government in designing and implementing human rights-based solutions to climate displacement; Publishing a series of ground-breaking reports, articles, editorials and other publications on climate displacement in Bangladesh, including: “*Climate Displacement in Bangladesh: The Need for Urgent Housing, Land and Property Rights Solutions*” in 2012, the first report to comprehensively address the causes and effects of climate displacement across the country to examine the existing government response to climate displacement and to propose a number of human rights-based policy options for resolving climate displacement; three major land studies, examining the true picture of land availability for the relocation of climate displaced communities; a number of high-profile articles and editorials on climate displacement in internationally regarded publications; a comprehensive report examining international best-practice relating to resettlement of climate displaced persons and a compilation of photographs of climate affected communities by photo-journalist Kadir Van Lohuizen; and raising awareness of climate displacement in Bangladesh with key international stakeholders. DS has conducted meetings and discussions with a number of senior staff from UN Agencies, international NGOs and foreign missions, to raise awareness of climate displacement in Bangladesh as well as to explore ways in which various stakeholders could provide technical or financial assistance to resolve climate displacement in Bangladesh. DS has also provided important resources and information on climate displacement in Bangladesh online, through the Displacement Solutions website as well as through social media.

¹ DS has visited climate affected communities in Dhaka, Khulna, Chittagong, Rangamati, Bandarban, Cox's Bazaar, Khagrachhari, Jamalpur, Kurigram, Srirajganj, Shadkhira, Jessore, Rajbari, Rangpur, Chandpur and Comilla.

² These workshops have been conducted at the local level, involving representatives of climate-displaced communities as well as at the national level, involving senior government officials and have increased awareness of the crisis of climate displacement, developed skills for responding to this crisis and have directly led to the development of a strong network of civil society organisations dedicated to resolving climate displacement in Bangladesh.

of climate displaced communities and persons are protected and respected in full. There is no doubt that in combination with one another, the financial, land and livelihood options needed to secure new starts for climate displaced people are readily available in the world of today. Small, incremental, but important steps are being taken to begin to address what will assuredly be one of the 21st century's most dramatic crises. New global funds have been established, new laws and normative frameworks are being developed, new NGOs have been established, a growing awareness within both political and media circles of the critical nature of climate displacement is clear, and a nascent political movement of climate displaced people themselves is beginning to appear.



56. What all of these developments have shown is simply that at its core, it will be *land* that ultimately is at the centre 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. Land will be required for new settlements, just as it will be required for the construction of new multiple occupancy buildings in some settings. Land will be required internally when people move nearby to safer ground, and sometimes beyond a nation's borders when national land resources are no longer viable. In the end, solving climate displacement will inevitably be about land. DS has been publicly advocating for a range of land-based solutions for climate displacement for many years and is heartened to see the growing awareness within the climate change world that land will be vital in providing durable solutions for climate affected people and their communities. The recent conclusions of the Pacific Consultations of the Nansen Initiative held in May 2013, for instance, importantly recognized the need to "Take measures such as land audits, demarcation of uncontested boundaries and community land mapping to facilitate the identification of land when people need to be temporarily or permanently moved, within their own country or abroad", and that at the international level steps should be taken to "Encourage discussions regarding resources being made available within the framework of existing or new international financial mechanisms to cover costs and investments related to displacement and planned relocation, and to compensate for loss of community ties, land, and cultural assets."⁶¹ These and other advances in both concern for the issue as well as an ever deepening understanding of where it will happen, to whom, when and to what extent, have led DS to identify key areas which DS firmly believes policy- and law-makers will need to prioritise in the development of viable and practical strategies for rights- and land-based solutions to climate displacement. We will, therefore, look briefly now at several areas that we see as holding out the most hope for climate-displaced people the world over.

4. NATIONAL AND INTERNATIONAL LAND ACQUISITION

57. Beyond ordinary measures of adaptation which can often assist in preventing or at least temporarily preventing climate displacement, one of the primary domestic solutions to climate displacement itself will be to increase the availability of affordable, safe and well-located land that can be utilized by those climate displaced persons and communities requiring new land resources. Governments in affected countries and elsewhere are slowly realizing that using public land or acquiring it, as well as actively setting land aside and reserving it for the eventual relocation of people displaced by climate change are likely to constitute some of the best, most sustainable and cost-effective strategies through which climate displacement can be addressed. At the same time, few governments – including most of the countries covered in this report – have thus far made the conceptual policy or legal leaps required to enable them to plan ahead, develop pro-active displacement prevention and resolution strategies and, ultimately to bind together into a common framework areas which are still treated as disparate issues, such as planned relocation measures, the construction of new human settlements, the acceptance of aspects of customary law as a source of new land, and national and international land acquisition. Even though all too few countries have successfully acquired and/or re-distributed sufficient land resources or carried out forward-looking policies to end both landlessness and homelessness

⁶¹ Conclusions: Nansen Initiative Pacific Regional Consultation, 24 May 2013, Rarotonga, Cook Islands.



CLIMATE DISPLACEMENT
GROUND ZERO:
HAN ISLAND

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



in ordinary socio-economic development contexts, without targeted interventions in support of land solutions for climate displaced communities, the almost certain result in global terms will be more slums, more human rights abuses, more deprivation and more despair. Indeed, we have no other alternative than finding new land resources for climate-affected people everywhere. To date most domestic policy action in recent years has focused on the establishment of public agencies and programmes to carry out important adaptation measures designed to make their societies more resilient to the effects of rising sea levels through the construction and repair of seawalls, the development of saltwater resistant crops and the installation of sea-level rise monitoring devices, all of which are vital. Only very limited attention, however, has been given thus far to further adaptation measures that involve land procurement and climate-sensitive planning processes. This is the case in part because most of the countries experiencing or likely to experience climate displacement already – even before climate change became an issue – face a series of land-related challenges that will be greatly exacerbated by the effects of climate change, and which will make land-based solutions more challenging than we would ideally wish. These countries already face severe urban over-crowding, a lack of universally available basic social services and the inevitable global process of rural-urban migration. Population densities in the capital cities of Dhaka (Bangladesh), Tarawa (Kiribati), Malé (Maldives) and Funafuti (Tuvalu) are already among the highest in the world. Each city is beset with serious health threats, inadequate housing conditions, land scarcity, growing squatter and slum settlements, declining access to potable drinking water, domestic violence and a series of additional social challenges. Mass internal migration to these and other cities by climate-displaced communities will only worsen already problematic situations further.

58. In addressing these and related concerns, each of the countries discussed above are already engaged in a series of limited remedial measures that include measures relating to land and land acquisition. These shared policy attributes, all of which have a direct bearing on the enjoyment of the HLP rights of the populations concerned, include: land reclamation (and the challenges in determining ownership rights over this new land, particularly when customary coastal areas are augmented); the development of population relocation plans (in some cases to concentrate populations on fewer islands as in the case of the Safe Islands Programme in the Maldives and in others to reduce urban overcrowding); and the construction or planned construction of new human settlements as in the case of a programme involving the relocation of a portion of overcrowded Betio in Kiribati's capital Tarawa to a relatively distant locale in Bonriki where a new settlement is currently under construction, and various other measures. Likewise, in Bangladesh efforts are underway exploring land acquisition possibilities (largely driven by DS, YPSA and other NGOs), while, as mentioned above, the governments of both Kiribati and the Maldives have already taken the dramatic step of purchasing large parcels of land in neighbouring countries. Efforts by Tulele Peisa in PNG have focused extensively on securing land resources on mainland Bougainville for the resettling islanders from the Carteret Islands. There is a clearly a growing awareness by governments that land will be at the core of finding durable solutions to climate displacement, but there remains a long way to go.
59. Many of the land challenges created by climate change can be effectively addressed within domestic settings by substantially improving existing land laws and policies by making them ever more sensitive to climate change effects. This is particularly true in countries which may face mass displacement, but which will retain the vast majority of existing landmass, such as Bangla-

desh or PNG. For instance, laws can be re-written or new laws adopted to acknowledge that new land will be required for relocating climate change displaced persons. Insurance arrangements can be expanded to cover losses incurred due to climate change. Land banks can be established today. New national (and regional) bodies can be developed to ensure that adequate protection and housing measures are available to all climate change displaced persons. These and related measures are inherently feasible and can be employed by all States to one degree or another.

60. Similarly, high-quality planning, good institutional frameworks, climate sensitive laws, the observance of human rights standards and principles, and creative policies will all be required if the rights of climate change displaced persons are to be taken seriously. Human rights laws increasingly recognise that planning is one of the most important roles any local or national government can play in respecting and protecting human rights, and a central aspect of any due diligence exercise. Human rights laws require States not only to plan, but to carefully diagnose domestic human rights challenges, develop laws and policies adequate to address these and to ensure the participation of citizens and that remedies of various sorts are available to individuals and communities unable to or prevented from enjoying the full array of human rights protections. A number of governments have already started. In early 2008, for instance, local councils in Australia were instructed to carry out comprehensive climate change planning exercises in all communities threatened by flooding and inundation. These processes helped to establish the facts on the ground that led the government to announce that some 274,000 coastal properties valued at almost A\$ 300 billion were under threat.⁶² This type of diagnostic work creates the foundations needed for appropriate planning, targeted adaptation measures, and ultimately, addressing deeper and harder questions relating to land, losses and damage, the provision of compensation and so forth. These and other examples of this nature could act as good models for other nations wishing to successfully adapt to the climate changes ahead. To ensure that such plans are adequate, these plans should build-in the likely displacement dimensions from the start, and to identify - on a person-by-person and community basis - the land-related dimensions of the processes concerned. There is an urgent need for all States, both those affected by climate change and eventual resettlement and internal migration, to draw-up high quality, long-term and human rights-based plans to address displacement-related aspects of climate change. Human rights law provides a useful framework for such planning. Planning in this respect should focus on worst-case scenarios to ensure that adequate response mechanisms are in place, including, in particular the identification of adequate land resources and budgets for resettling those displaced due to climate change. Planning needs to involve those concerned and to bear in mind those additional problems such as the “lost home syndrome” that commonly affects those facing involuntary resettlement in other contexts can be reduced if people are afforded appropriate relocation programmes that fully recognise and integrate their legitimate human rights. Encouragingly, several dozen national adaptation plans (NAPAs) have been completed, however, there is little evidence that land and displacement issues feature prominently in any more than a few of these. Further work is required to review these plans to determine the extent to which and how displacement and land solutions can be addressed. National adaptation plans are vital ingredients in an overall national planning process that respects and protects the HLP rights of climate change displaced persons. Because the vast majority of climate-induced displacement

⁶² Supra, note 6.

will occur within the national borders of various nation states and not necessarily require international flight to third countries, it will be increasingly important to ensure that the land dimensions of forced climate migration find a central place within these national planning processes. As financial costs increase and the likelihood of adaptive success decreases as the effects of climate change worsen, vigorous attention and resources are needed now to appropriately address these challenges.

61. Specifically, land audits, land allocation, land set-aside and land acquisition programmes should be undertaken by all countries affected by climate-induced displacement. Such programmes can identify and isolate land parcels for future use by families and communities forced to flee their places of habitual residence because of climate change. States should begin now to review public land holdings and to select possible long-term resettlement sites that will be removed from the land market through land set-aside programmes. These are complex issues with innumerable dimensions; however, few governments are structurally unable to at least begin the land identification process as a part of the planning process. Politically, it will be significant for small island states to be able to demonstrate that an attempt to resolve displacement issues locally has been made prior to lodging appeals for regional and other relocation-based solutions. In this regard, States should take immediate measures to identify available land and other appropriate resources for the purposes of voluntarily relocating climate displaced persons, both those displaced internally, as well as those likely to seek new lives in third countries. Governments should be encouraged to review domestic legislation as it relates to questions of the compulsory acquisition of land in the public interest for the exclusive purpose of expanding land reserves for the eventual use of permanently resettling climate change displaced persons. Climate displacement will put immense pressure on urban areas and the slums that surround them, and without appropriate adaptation and planning measures, including the isolation of land for relocation, the world's slums will grow at a far faster rate, and in turn create health, social, economic and other crises far worse than many would now predict. To assist in reducing these pressures, governments everywhere should begin identifying unused land for possible acquisition and then allocation to climate displaced persons and their communities in a non-discriminatory way should this become necessary. Where appropriate, additional measures to release land for the relocation or resettlement of climate change displaced persons could be carried out through targeted land purchase programmes and the development of community land trusts on such land. Governments should be encouraged to establish land funds and/or to provide support to civil society land funds. Where possible, methodologies should be developed to ensure that climate change displaced persons are involved in such purchases to ensure direct buy-in by these stakeholders.⁶³
62. In several of the countries most commonly associated with current or looming climate displacement, most notably Bangladesh, Fiji, Kiribati, PNG, the Solomon Islands, Tuvalu and others, large portions of the territories are subject to the long-held rules and use arrangements under various

⁶³ See, for instance, Elizabeth Ferris, *Protection and Planned Relocations in the Context of Climate Change*, August 2012, Legal and Protection Policy Research Series, Division of International Protection, UNHCR/PPLA/2012/04. See Ferris, "[g]overnments are generally required to secure land for the resettlement of affected communities. But in practice, government authorities often declare that substitute land is unavailable, and resort to compensation rather than resettlement. This transfers the burden of finding land onto the shoulders of the displaced people themselves. In the case of climate change-related displacement, there are likely to be particular difficulties in finding suitable land for resettlement of communities from areas rendered uninhabitable because of the effects of climate change. First there simply may not be sufficient land available, for example, in Asian megadeltas where potentially millions of people may need to be resettled because of rising sea levels. Secondly, there is likely to be increased pressure on the availability of suitable land for resettlement sites. Thus, if fishing communities need to be resettled because of the erosion of coastlines and sea-level rise due to climate change, it is unlikely that it will be easy to find alternative sites for them – at least in coastal areas which would enable them to continue their traditional livelihoods. Similarly, if large areas of a country are deemed unsuitable for habitation because of drought, the overall availability of land is likely to drastically diminish and land will become much more expensive.", p 21.

forms of customary land law. In each of these cases, and indeed in all countries where customary laws remain living, functioning, socially accepted and culturally appropriate means for determining land use and control rights, there exists a complex series of challenges when these customary rules are viewed alongside statutory laws and regulations that have been adopted more recently by national governments and Parliaments.⁶⁴ There is often a tension, sometimes rather dramatic, between the norms approved by governments and the traditional rules that have governed land relations for centuries. Getting the balance right between customary law and formal law has been a key area of concern for policy makers and the international community for some time. While there are certainly exceptions, there is a clear bias by State actors and, in particular, international development agencies against customary rules in favour of more rigidly defined formal laws that are seen as more appropriate in this 'modern' era. Customary land rules, however, have figured very prominently in several countries as a means of assisting in resolving climate displacement, in particular in Panama and the Solomon Islands.

63. In countries such as Kiribati, Papua New Guinea, Solomon Islands, Tuvalu and Vanuatu, the role of customary land laws in determining the spatial delineation of land remains firmly in place, much as it has been for centuries. Customary landowners continue to own and control the vast majority of the land in these countries and this will have an impact on securing new land for climate displaced persons and their communities. In Tuvalu, for example, many of the government buildings are located on customary land, the owners of which receive annual fees from the State. The role of customary law in determining the use and allocation of land, as well as in resolving land disputes, will be vital in terms of identifying land for eventual use in programs of internal relocation and the construction of new settlements, both of which are very real contemporary issues.
64. It is clear that identifying new land (and housing) resources lies at the core of the bundle of durable solutions required to simultaneously resolve climate displacement and protect the rights of those affected. To maximise the utilisation of land for climate displaced persons, efforts should be made to ensure that such land is placed within community land trusts to ensure that such land remains held in common over time. This will ensure that land allocated in this manner will be available for use by new climate displaced persons as migrants from earlier periods eventually move to new locations elsewhere. Approaches to relocation on new land that are based exclusively on individual property title approaches are unlikely to provide the basis for community development and infrastructure development required to secure the full spectrum of housing, land and property rights of the communities concerned. To ensure that land acquisition processes are carried out properly, governments need to know with precision how many people will be displaced by climate change and where this is most likely to occur. They need to develop detailed planning maps and other materials available showing these predictions. Governments need to undertake climate-sensitive planning measures underway that specifically include land matters, and need to determine precisely how much new land will be required to cater for the needs of climate displaced persons and communities. They need to carry out land audits and need to begin identifying land that can be specifically acquired and/or set aside for the purpose of providing durable solutions to climate displacement. This work needs to begin today.

⁶⁴ *Making Land Work: Volume One - Reconciling customary land and development in the Pacific & Volume 2 - Case studies on customary land and development in the Pacific*, Commonwealth of Australia, 2008.

CLIMATE DISPLACEMENT
IS ALREADY UNDERWAY IN
THE CARIBBEAN: CARTI
COHABITA, PANAMA

Image: Kadir van Lohuizen / NOOR
Location: Carti Cohabita, Panama



5. PLANNED RELOCATION

65. The importance of organized internal (and cross-border) relocation as one of the central aspects of climate adaptation and resolving climate displacement has been increasingly acknowledged at the international level.⁶⁵ For instance, the Report of the 16th Conference of Parties to the United Nations Framework Convention on Climate Change at Cancun: “*Invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework, taking into account their common but differentiated responsibilities and respective capabilities, and specific national and regional development priorities, objectives and circumstances, by undertaking, inter alia, the following: ... (f) Measures to enhance understanding, coordination and cooperation with regard to *climate change induced displacement, migration and planned relocation*, where appropriate, at the national, regional and international levels...*”(emphasis added).
66. Given the poor global track record of states and institutions supporting development-induced relocations in the past, however, in protecting the HLP rights of affected populations during processes of involuntary resettlement, whatever relocations that are undertaken as a remedy to climate displacement must be carried out in an absolutely voluntary manner and with all possible safeguards in place to prevent the many serious dangers of poorly managed relocation. There now exists an international regulatory framework and considerable experience with relocation around the world that provides valuable lessons in what is possible, what works and what does not. As one author asserts: “far from an easy fix, relocation of communities is a brutal, painful experience which almost always leaves communities worse off socially and economically”.⁶⁶ The need for sustainable relocation and the prerogative of reconstituting societies in a human rights-based way, and not simply building new houses, should be drawn upon to ensure that experiences with relocation caused by climate change do not lead to the same type of poor results. Some of the key issues necessary for successful relocation include ensuring it is voluntary, full community participation in the planning process, appropriate site selection, settlement design which was socially and culturally appropriate rather than being driven merely by economic factors, culturally appropriate housing, and others. Appropriate planning is vital. Resettlement Action Plans (RAPs) are now a requirement for development projects undertaking involuntary resettlement and are intended to be prepared according to specific planning principles: policy framework, income enhancement, entitlements, consultation, strengthening institutional capacity, and a resettlement budget. The RAP themselves contain an introductory description of project, efforts to minimize resettlement, census and socio-economic surveys, legal framework, resettlement sites, income restoration, institutional arrangements, implementation schedule, participation and consultation, grievance redress, monitoring and evaluation and costs and budgets.⁶⁷ Similar methods need to be employed in the context of climate displacement and its resolution.
67. To a certain extent, guidance for grappling with displacement due to climate change can be gleaned from the lessons learned in resolving displacement caused by natural disasters, however, these are premised on the notion that returning home will invariably be the remedy sought by the

⁶⁵ Supra Note 63, Ferris.

⁶⁶ Id, p. 17.

⁶⁷ See, Anthony Oliver-Smith, ‘Climate Change, Displacement and Land-Based Resettlement’, in *Land Solutions for Climate Displacement* (Scott Leckie, ed.) Routledge/Earthscan, 2014.

overwhelming majority of those displaced; something unfortunately of limited relevance in the case of climate displacement. Natural, manmade and environmental disasters including earthquakes, tsunamis, storms and floods and others always result in the destruction of housing that, in turn, invariably results in the large-scale displacement of people from their homes, lands and properties. In many settings, those displaced choose to return home once conditions so permit, and quickly begin the long and difficult task of rebuilding their former lives. A number of important lessons appear to be increasingly recognised by those working in post-disaster contexts, which may be of assistance in guiding thinking on how best to grapple with the displacement dimensions of climate change.⁶⁸

68. When return is not viable and staying becomes dangerous, relocation can quickly become the *only* option available. When all other possible *in situ* and other avenues have been exhausted, relocation must be voluntary and based on full consultation, minimised, and comply with the principle that permanent relocation should *never result in homelessness*. Alternative accommodation which complies with international human rights standards on adequate housing, should also be provided to everyone as a matter of rights. In many respects this is the crux of the matter as far as the housing, land and property rights of climate displaced persons is concerned. For in contrast to most other cases of displacement where the primary objective is generally return and the restoration of HLP rights, in the case of displacement due to climate change, internal relocation or international resettlement may often be the only remedies available to a family or community whose present homes are no longer viable in residential terms. Climate displacement, therefore, forces policy makers and human rights advocates into the comparatively novel position of supporting the relocation and resettlement of people as a durable remedy, in lieu of restitution or local integration options. International displacement expert, Walter Kälin, has backed this point of view, indicating that a person who cannot be reasonably expected to return to his/her place of habitual residence should be considered a victim of forced displacement and be granted at the very least a temporary stay within safe third countries.⁶⁹ This is, of course, a minimalist approach, and others have urged receiving states to provide climate change displaced persons with the full spectrum of rights enjoyed by refugees and, to the maximum possible extent, citizens of the country concerned. Under human rights law, climate displaced persons that are forced by circumstances beyond their control to move across an international border are to be ensured general human rights guarantees in the receiving state, but do not generally possess rights to enter that state.
69. The pertinence of planned climate relocation is nowhere as apparent as in Kiribati and Tuvalu where relocation might not be just a possibility in policy terms; it might in fact prove to be a necessity. Although Kiribati and Tuvalu have not remained idle in the face of this looming crisis, thus far both countries have been careful to ensure that relocation has not featured as a central component of their various climate adaptation measures, even though, of course, Kiribati has purchased a large land parcel in Fiji that significantly raised the stakes in this regard. As one government official in Tuvalu has emphasised “There are no short, or long term plans prepared by government at this

⁶⁸ Many of these are found within the useful *Protecting Persons Affected by Natural Disasters – IASC Operational Guidelines on Human Rights and Natural Disasters*, released in 2006. Inter-Agency Standing Committee, *Protecting Persons Affected by Natural Disasters – IASC Operational Guidelines on Human Rights and Natural Disasters*, Brookings-Bern Project on Internal Displacement, 2006.

⁶⁹ Representative of the Secretary-General on Human Rights of Internally Displaced Persons, *Displacement Caused by the Effects of Climate Change: Who will be affected and what are the gaps in the normative framework for their protection?* Background Paper, 2008.

BOX 8: THE COMPLEX FEATURES OF CUSTOMARY LAW IN KIRIBATI

The unique and beautiful culture of Kiribati places considerable importance on land, so much so that in many respects one's own personal identity is intrinsically tied to one's ancestral land. In a sense, one cannot exist without land, and these perspectives need to be borne in mind in determining the best policies for the government to pursue in its quest of protecting the rights of its people. Virtually all of the land in Kiribati remains customarily held.

As a result, most, if not all, land used by the government for public infrastructure or government buildings is leased from customary owners. Although the duration of leases are typically long - 99 years - this system is not without its limitations. For instance, when a lease expires, customary owners have been known to re-acquire their land irrespective of the work that has been done or buildings that have been made on it. Furthermore, land reclamation carried out by a lessee also becomes the property of the lessor. Customary land rights may also come to complicate i-Kiribati internal migration and relocation issues because of climate change, given there is so little public land in Kiribati. Customary land rights and other local customs can make it impossible for newcomers to purchase land and have contributed to the creation of the slums in Betio in the capital South Tarawa, and other densely populated, poverty-stricken areas.

stage for relocation, or resettlement of climate displaced persons”.⁷⁰ Rather, the public emphasis to date has been on the need to complement physical adaptation measures with migration and labour mobility schemes that have provided i-Kiribati and Tuvaluans with training and financial opportunities in Australia and New Zealand. As a by-product of these schemes, social connections have been formed between families and communities in the Pacific and those in Australia and New Zealand. These connections will prove invaluable – facilitating further migration between these countries as climate change intensifies and increasing the likelihood of successful migration outcomes. Although these adaptation and migration stimulating measures are both admirable and likely to be of significant benefit to both Kiribati and Tuvalu, they are limited by their failure to investigate or even consider the possibility of planned relocation should adaptations prove incapable of protecting the land interests of affected communities. It seems inevitable that physical adaptation will only partially protect the citizens, resources and infrastructure of these countries over the coming decades, given that the cost of more complete solutions would far exceed the resources available to Kiribati and Tuvalu. As a consequence, there is a distinct likelihood that the populations of these countries will have to move *en masse* at some point in the future. Relying solely on migration schemes in such an event would have serious implications for the people of these countries.

70. In the event that the physical territorial integrity of Kiribati and Tuvalu cannot be maintained, planned relocation of some kind would be the only alternative to spontaneous, unorganised international migration.⁷¹ Experience has shown time and again that successful relocation is anything but a certainty. For a start, thorough planning is essential. Thus, the investigation of planned relocation as a solution to climate change in Kiribati and Tuvalu alongside other adaptation measures is essential to avoid tragic (albeit likely) outcomes and protect the human rights of the citizens of Kiribati and Tuvalu to the greatest possible extent. If implemented correctly, this approach could ensure that at least some land is reserved for each country to serve as a cultural, and potentially sovereign or autonomous, home base. Such places would have both practical and symbolic importance for the peoples of these nations. From this perspective, the fresh discussion of relocation in both Kiribati and Tuvalu is encouraging. The acquisition of a 6,000-acre tract of land in Vanua Levu, Fiji by the Kiribati government is perhaps the first precursor to a much needed - albeit delayed - shift of focus to relocation as one of the solutions to climate displacement in the Pacific. Relocation has also entered the political discourse in Tuvalu, where popular interest in possible relocation to various locations (including to Kioa Island in Fiji, which is mainly populated by Tuvaluans) has been noted during intensive public discussions.
71. At the same time, it is clear that the most disruptive, dramatic and ultimate durable solution of planned relocation as one option cannot be taken lightly. As Pacific land expert John Campbell has rightly noted “...community relocation cannot be achieved without long-term costs that may

⁷⁰ Faatasi Malologa, 'Climate Displacement and Tuvalu' in *Land Solutions to Climate Displacement* (Scott Leckie, ed), Earthscan from Routledge, 2014.

⁷¹ Some analysts favour a piecemeal, individualistic and voluntary migration process over that of planned relocation. For instance, "Much more logical and relevant for successful adaptation by atoll dwellers to very different living conditions overseas is a process of voluntary migration whereby individuals, families, and, over time, entire communities make their own decisions about movement in their own time, rather than being treated as victims of a disaster that is beyond their control", p. 126. Richard Bedford and Charlotte Bedford, 'International Migration and Climate Change: A post-Copenhagen perspective on options for Kiribati and Tuvalu' in *Climate Change and Migration: South Pacific Perspectives*, pp. 89-134, (Burson, ed), Institute of Policy Studies, Wellington, 2010. The Asian Development Bank also seems to favour this approach. See: Asian Development Bank, *Addressing Climate Change and Migration in the Asia and the Pacific*, Final Report, 2012: "Though every effort should be made to ensure that people can stay where they live, it is also important to recognize that migration can also be a way for people to cope with environmental changes. If properly managed, and efforts made to protect the rights of migrants, migration can provide substantial benefits to both origin and destination areas, as well as to the migrants themselves. However, migrants - particularly low-skilled ones - are among the most vulnerable people in society and are often denied basic protections and access to basic services." (p. viii); "In sum, environmental events are already causing people to move in the Asia and Pacific region. By taking actions today, governments can reduce the likelihood of future humanitarian crises and maximize the possibilities that people can remain in their communities or - should deteriorating environmental conditions make that impractical - that they have the real option to relocate to a more secure place with livelihood options.", p. ix.

continue to be incurred over many generations”, and “In the most extreme scenarios, Pacific communities forced to relocate as an entity (if they are lucky), or simply displaced as individuals and households, may find themselves placed in situations that are in some ways likely to be more hopeless than those faced by refugees, for the possibility of return may well be negligible. The land, once a visceral component of community and individual physicality and identity, may indeed become only a symbol of a former status”.⁷² All of this is undoubtedly true and ultimately tragic, however, the fact remains that atoll nations in particular are increasingly likely to be uninhabitable in coming decades. Should this eventuate as seems likely, the choice available to those residing there will essentially be either spontaneous migration or planned relocation. For weaker elements of society, in particular, it seems clear that the latter will be far preferable than the former.⁷³

6. CREATING AND EMPOWERING NATIONAL AGENCIES AND INSTITUTIONAL MECHANISMS

72. From a governance perspective, citizens need to be able to identify which specific domestic institutions are responsible for ensuring the rights of climate displaced persons, and which international institution(s) should be responsible for assisting these victims of climate change. In determining this, climate displaced persons as beneficiaries of existing rights can reasonably be expected to have provided to them clear answers to several very straightforward questions, including: Where do I turn for social, financial and resettlement assistance if my land or home is threatened or no longer viable because of the consequences of climate change? Which public institution is entrusted with enforcing, respecting and protecting my HLP rights? If I am displaced due to climate change, what rights do I have to a new home or new land? What role will insurance play in resolving my situation? What laws and rules are in place recognising my rights and how can I best seek to enforce them? and If I lose my home or land due to climate change, am I entitled to compensation or reparations? If so, where do I find out how to access these remedies? All governments should have precise, human rights-based answers to these and other questions that may be posed by climate displaced persons. Beyond the improved application of existing law and State obligations to respect and protect them, the effective protection of the rights of climate displaced persons will require the existence of clearly defined institutions that can provide clear and sustainable answers to all of these questions wherever they may be posed. Indeed, prevention of harm due to disasters and basic due diligence is increasingly becoming addressed under human rights law.⁷⁴
73. It is safe to say that as of 2013 not a single country where DS has worked has a functional public or private agency that has been entrusted with structurally finding land or other types of solutions for climate displaced and climate-threatened communities. It is true that many countries

⁷² John Campbell, ‘Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land’, p. 57 and 79 in McAdam (Supra Note 17).

⁷³ See, for instance: Megan Bradley and Jane McAdam, ‘Rethinking Durable Solutions to Displacement in the Context of Climate Change’, Brookings Paper (May 14, 2012), accessed from: www.brookings.edu/research/papers/2012/05/14-displacement-bradley-mcadam. “In our view, it may prove more useful to focus on facilitating managed migration opportunities for those who cannot remain in their homes” and “a responsible durable solutions policy would require the promotion of permanent resettlement elsewhere instead of return”.

⁷⁴ See, for instance, Walter Kaelin, ‘Conceptualising Climate-Induced Displacement’, p. 81 in McAdam (Supra Note 17). “Reduction of disaster risks and vulnerabilities, such as by setting up alarm and evacuation systems, has been described by the European Court of Human Rights as a human rights obligation. If a disaster is foreseeable and the state is able to prevent ensuing threats to people’s lives and property, then it must take appropriate action in conformity with its obligations under human rights law to protect life, privacy and property”, p. 83 (footnote reference to *Budayeva and Others v Russian Federation* (App Nos 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02), European Court of Human Rights (20 March 2008).

have developed NAPAs and a growing number of nations have national adaptation offices that implement relevant projects. Some countries entrust the head of state's office with responsibilities for addressing climate displacement, as is the case with many of the small island nations. Nonetheless, even in the case of the relocation of Newtown village in the US where relocation is already well underway, local lawyers have rightly argued that complex governance issues need to be resolved in order to facilitate relocation, because there is no federal or state government agency that has the authority to relocate communities or to address the structural planning needs of the communities affected.⁷⁵ According to the head of the department of lands in Tuvalu, "The question of which particular body of government, or the private sector taking a lead role to advocate climate displacement on a regular basis at the local, regional or international level is the main challenge for Tuvalu".⁷⁶ Clearly, thus, new types of agencies with government backing and funding need to be established in all countries to manage and govern processes designed to find land-based solutions for climate-affected communities. Bronen's proposals as to how this might occur in the United States is required reading for policy-makers wishing to establish responsible agencies in their own countries.⁷⁷ The establishment of National Climate Displacement Agencies (NCDAs) would be a valuable first step in this process.

7. CONCLUSIONS: LAND AND POLITICAL WILL CAN SOLVE CLIMATE DISPLACEMENT

74. Despite drawbacks, immense challenges and the sloth of governments to address climate displacement, DS continues to believe that many aspects of climate displacement can be resolved with land-based solutions and human rights-based improvements in domestic housing, land and property law and policy. At the same time, many of the proposed domestic solutions to climate displacement that may have appeared on the surface to hold out great hopes for certain climate displaced communities – such as the proposed movement of communities from the Carteret Islands to Bougainville in PNG, the internal relocation of coastal dwellers from Khulna district in Bangladesh to the higher ground of the Chittagong Hill Tracts or the possible relocation of dwellers in Kiribati and Tuvalu to Fiji – each in their own ways have turned out to be more complex, obstacle-laden and likely to fail as many previous efforts of resettlement in development and post-conflict contexts. The challenges inherent in addressing the specific land requirements of climate displaced persons lie not only in ensuring that a principled approach to these issues is accepted at legal and policy levels, but that this is given content and clarity in terms of guidance and support for particular communities. Extensive direction can be taken from existing human rights instruments, recent policy work, disaster-response and reconstruction efforts and the general accumulated international legal framework including on socio-economic rights. For the world's growing population of climate displaced persons to secure both durable solutions to their displacement and the full enjoyment of all elements of their housing, land and property rights – both prior to and following their displacement – a series of steps need to be taken **now** by both climate displacement-generating and receiving states to identify and implement the legal, policy

⁷⁵ Supra note 60.

⁷⁶ Faatasi Malologa, 'Climate Displacement and Tuvalu' in *Land Solutions to Climate Displacement* (Scott Leckie, ed), Earthscan from Routledge, 2014.

⁷⁷ Supra note 60.

and programmatic measures required to respect and protect the pre-existing human rights of climate change displaced persons. These measures must be grounded deeply in laws and values that are already in place within virtually all states; indeed, securing the rights of climate displaced persons will not inevitably require the establishment of new legal regimes or institutional frameworks such as NCDAs, although creating specific institutional frameworks for respecting and protecting the HLP rights of climate change displaced persons should be a feature common to all States facing climate-induced displacement. At a minimum, the following six perspectives should inform all policy and legal actions in support of climate displaced persons:

Perspective 1 – Everyone displaced by the effects of climate change possesses, under international and domestic human rights law, the full spectrum of housing, land and property rights.

Perspective 2 – Housing, land and property rights must form core components in the development and enforcement of domestic laws and policies designed to resolve climate displacement.

Perspective 3 – All governments currently possess legal obligations under human rights law to respect, protect and fulfill the housing, land and property rights of everyone under their jurisdiction, including persons, families and communities displaced due to climate change.

Perspective 4 – Existing social realities, developmental processes and adaptation projects within the project countries are largely *ad hoc* in nature and have not yet been combined into comprehensive policies that lead to human rights-based solutions to climate displacement.

Perspective 5 – Land acquisition, customary land laws, voluntary internal relocation and the construction of new settlements and the establishment of appropriate institutional frameworks if addressed and carried out in a manner that fully respects the housing, land and property rights of people negatively affected by the consequences of climate change can, if combined with additional measures, form a solid basis for securing housing, land and property rights for everyone displaced due to climate change.

Perspective 6 – Securing the rights of climate displaced persons will require public expenditure. To date, domestic, bi-lateral and multi-lateral funding for adaptation measures aimed to resolve climate displacement have lagged far behind expenditures of mitigation measures designed to reduce the impacts of climate change. Funds need to be urgently allocated towards adaptation measures in all of the heavily affected countries to ensure that everyone affected by climate displacement has access the land resources required to end their displacement.

75. In many contexts, the legal and political tools required to support the implementation of these rights are already in place. In these cases, therefore, what is required will be an augmentation of existing law, policy and practice in recognition of the fact that the displacement consequences of climate change will continue to grow and that they will affect the enjoyment of basic human rights. In many settings all that remains to be achieved in this respect is simply generating the political (and economic) will to bring them to fruition, and to develop specific measures that are designed directly to assist climate displaced persons to enjoy the full spectrum of HLP rights.

WILL SHE BE ABLE TO
MOVE TO SAFER LAND?
ELDERLY WOMAN SEEKING
FOOD ON YESILA ISLAND
(CARTERETS), PNG

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



1/700TH OF PLANET EARTH IS ALL WE NEED TO FIX CLIMATE DISPLACEMENT

76. We rarely consider this fact, but it is useful to recall that Earth's total land mass is some 149m km² which is equivalent to 36.8 billion acres or nearly 15 billion hectares of land. If we consider this sizable amount of land in terms of climate change and, more specifically, likely levels of climate displacement, some interesting figures emerge. Basing our calculations on mid-level estimates of projected climate displacement of 250,000,000, assuming an average household size of five persons and further assuming an average land requirement of one acre per household (understanding fully that some households will need more (rural dwellers) and others less (urban and peri-urban dwellers), we find that some 50 million acres of land would be a reasonable estimate of the physical amount of land that would be required to provide various land-based solutions to the world's climate displaced population. While the numbers of people may differ, as may the ultimate amount of viable land, combined with the fact that a whole series of additional financial, economic, social, livelihood, infrastructure, transport and many other issues will determine the ultimate viability of any plan to resolve climate displacement in a human rights-based manner involving direct access to land resources, we simply want to make the point here that *we do have enough viable land* to provide land to those who lose their land or the ability to reside upon their land in a dignified manner. All that is required is the equivalent of 1/700th of the land mass of planet Earth, a mere 0.14% of our planet's surface, (roughly the same size as Uganda) would facilitate human rights-based solutions to climate displacement. Surely with the right policies, political will and growing civil society engagement, the world can achieve this objective.
77. There are any number of formulas to further calculate such estimates, and in fact, land amounting to 1/3,000th of the world's land surface may become a more realistic figure. The main point here is simply that concrete measures understanding both the likely land losses that countries will incur, coupled with estimates of approximately how much new land resources will be necessary to provide new livelihood options to those forced to vacate their lands, need to occur with haste. Land parcels need to be acquired and set-aside now if policies to resolve climate displacement are to have any chance of success. States need to learn the vital lessons of other attempts to access new land for climate-affected communities, many of which have been mentioned above, and to ensure that they take active roles together with communities to find workable land solutions to all forms of climate displacement whenever it may occur. Every nation needs not only to have a NAPA in place backed by both National Climate Displacement Agencies and Special National Adaptation Funds earmarked specifically to resolve climate displacement, but rather, too, a National Land Solutions Plans (NLSP) which publically outlines where displacement will occur, when this will take place and where the people affected will ultimately be able to go. Such plans may start out as general overviews of the problems at hand, but then will need to get increasingly detailed to ensure success. All of the lessons of the century of relocation and resettlement need to be learned by policy-makers and governments everywhere to ensure that these new popular movements avoid the innumerable and perilous pitfalls of virtually all such population movements that have preceded them. And there is no way around it; more money is needed urgently if the rights of climate-displaced people are to be protected. An official earmarking of 20% of the Global Green Fund (the target of the Fund is USD 100 billion annually) to land solutions for climate displacement would be a valuable step in ensuring that such funds reach

the people who need them most. Every country and the communities residing within them facing or likely to face climate-induced displacement should have access to easy and quick procedures to apply for such funding based on agreed methodologies and human rights-based frameworks. Having access to a special fund dedicated to land-based solutions to climate displacement by each heavily-affected country will have an immediate and marked impact on resolving these challenges.

78. Ultimately, resolving climate displacement remains a question of will. Generating this will across all political parties, ideologies, countries of differing levels of wealth and social and economic development and within the minds of decision makers is a task all of those who care about the rights of climate displaced people must now embrace with conviction and vigour. With the benefit of time and reflection since DS began its land-related efforts on behalf of climate displaced communities in 2007, it is abundantly clear that the multitude of issues facing the people and governments of climate-affected countries such as those addressed in this report are of an increasingly complex, multi-faceted and urgent nature. Based on discussions with thousands of people, institutions, organisations and officials over the past six years in all corners of the planet, and after careful reflection, it is clear that despite the many and increasingly sophisticated pleas for assistance that have been made by climate-affected countries, in particular small island states and less wealthy nations, the global community has moved far too slowly to avert the devastating impacts of climate change, and where it has acted, it has done so in generally piecemeal, small-scale interventions that have been unsuccessful in improving the future and current prospects of these countries.
79. Far more needs to be done in the immediate term to assist governments and people and communities most at threat of climate displacement to more effectively address the series of climate-sourced and overall socio-economic problems that confront them, both internally in developmental and related sectors, as well as externally as migration becomes increasingly likely in many countries. At the core of all solutions will be land. Identifying this land, accessing it, acquiring it and, ultimately, allocating it remains the challenge of the era of climate displacement in which we live.



BOUGAINVILLE'S
ROLE IN HELPING TO
RESOLVE CLIMATE
DISPLACEMENT IN PAPUA
NEW GUINEA CANNOT BE
UNDERESTIMATED

Image: Kadir van Lohuizen / NOOR

*Location: Bougainville,
Papua New Guinea*





ANNEX 1:
THE PENINSULA
PRINCIPLES
ON CLIMATE
DISPLACEMENT
WITHIN STATES
(18 AUGUST 2013)

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:

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; address climate displacement within a State and not cross-border climate displacement; and
- b. 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. 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.

- b. 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. 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.



REPAIRING DESTROYED
LEVEES IN CLIMATE-RAVAGED
BANGLADESH

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



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;

- 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;
 - (v) prior to any relocation, prepare a master relocation plan that addresses critical matters including:
 - (vi) land acquisition;
 - (vii) community preferences;
 - (viii) transitional shelter and permanent housing;
 - (ix) the preservation of existing social and cultural institutions and places of climate displaced persons;
 - (x) access to public services;
 - (xi) support needed during the transitional period;
 - (xii) family and community cohesion;
 - (xiii) concerns of the host community;
 - (xiv) monitoring mechanisms; and
 - (xv) grievance procedures and effective remedies.

DOING WHAT THEY CAN:
GOVERNMENT SUPPORTED
MANGROVE PLANTING IN
KIRIBATI

*Image: Jocelyn Carlin
Location: Bonriki, Kiribati*



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.

WHERE WILL
THEY GO? WILL THEY
FIND NEW HOMES
AND LANDS?

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



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.

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.

ANNEX 2: THE DISPLACEMENT SOLUTIONS CLIMATE DISPLACEMENT INITIATIVE

Displacement Solutions has been actively involved in addressing the displacement consequences of climate change since 2007, and is now recognised as an important voice in this field. DS is regularly requested to provide policy advice and to give public lectures and university level courses on the links between climate change and displacement. DS has advised various UN institutions, national governments and civil society groups on climate change and displacement issues, given numerous public speeches and lectures on the issues involved, hosted international workshops, attended many conferences on climate change and displacement, and published various reports and other materials on this pressing theme.

DS has worked with a wide variety of governments and civil society groups on the issue of climate displacement in countries including Bangladesh, Fiji, Kiribati, the Maldives, Papua New Guinea, Tuvalu and others, and maintains extensive contacts in each of these nations. During numerous missions to these countries DS has carried out research on housing, land and property rights, issues of relocation and/or resettlement and on various themes linked to displacement caused by the effects of climate change.

DS has produced several landmark publications on various aspects of climate displacement including: Land Solutions for Climate Displacement (2014), a Climate Change and Displacement Reader (2012) as well as Climate Displaced Persons and Housing, Land and Property Rights: Preliminary Strategies for Rights-Based Planning and Programming to Resolve Climate-Induced Displacement (2009). In addition, a range of academic and other articles prepared by DS have been published and widely referred to. Photo-essays depicting the tragic reality of climate displacement in Bangladesh, Kiribati, PNG and Tuvalu have also formed part of DS efforts.

DS has led a series of advocacy efforts at the international and national levels to draw more attention to the specific HLP rights dimensions of climate displacement. Beyond research, publications and other activities, DS has been engaged with a range of national initiatives to address climate-induced displacement.

These include:

- Australia – Displacement Solutions has been active in Australia in drawing public attention to the displacement dimensions of climate change. DS has convened a variety of workshops on these issues to focus on Australia's unique regional role in finding solutions to the displacement caused by climate change. The DS Director has given a variety of speeches on these issues in the country and annually teaches what is the first post-graduate course in the world on climate change and displacement at the Australian National University Law School in Canberra and the Law School of the University of Melbourne. DS also coordinates the Coastal Kids Project.
- Bangladesh – DS has collaborated with Young Power for Social Action (YPSA) since 2009 and has developed plans to carry out further practical work in support of all communities in the country that have been or will be displaced due to climate change. DS has carried out many missions to all corners of Bangladesh exploring the ground reality of climate displacement, provided intensive HLP rights training to organisations and communities heavily affected by displacement due to climate forces and has conducted various consultations with the government on the development of appropriate strategies to deal with the problem. DS coordinates the Bangladesh HLP Initiative together with YPSA and is currently exploring how best to ensure that land acquisition for climate-displaced communities actually takes place.
- Kiribati – Following the participation of the climate change advisor of the Kiribati government at a DS workshop on climate-induced displacement and human rights in late 2008, DS has been in regular consultation with the government and local advocates to develop ways of assisting Kiribati in finding additional resources and policy options to successfully manage land losses, relocation and resettlement of forced climate migrants. DS has visited Kiribati on several occasions to investigate further the displacement likely to occur as a result of climate change in the country and to develop project ideas designed to reduce and resolve this displacement to the maximum possible extent.
- Maldives – Displacement Solutions has worked for several years on various climate change-related issues in the Maldives. In 2008, the DS Director held discussions with government and UN officials on climate change and human rights, while later in the same year DS and the Human Rights Commission of the Maldives jointly carried out what became a highly influential National Housing Assessment. In 2009, DS was requested to assist in the implementation of the findings of the National Housing Assessment and to develop ideas on improving access to land in the country.

- Papua New Guinea (Bougainville and the Carteret Islands) – In December 2008, Displacement Solutions convened a meeting jointly with UNHCR in Canberra, Australia that initiated the Bougainville Resettlement Initiative to assist one of the world's first groups of climate displaced persons from the Carteret Islands, and their organisation Tulele Peisa, to identify new land sites on Bougainville for use to resettle Carteret Islanders who have lost land due to climate change. This was one of the first efforts anywhere to find land solutions for climate-displaced people.
- Tuvalu – DS has visited Tuvalu on three occasions to explore national sentiments about looming climate displacement. DS worked together with government and civil society groups to develop plans to secure the HLP rights of everyone forced to flee their homes and lands due to rising sea levels, many elements of which would form the basis of the research proposed in this proposal.



CART SUBDUP, PANAMA

Image: Kadir van Lohuizen / NOOR

Location: Cart Subdup, Panama



*Designed & Produced
in Australia
by*



ARTERIA STUDIO
arteriastudio.com.au



The threat of climate displacement looms large over a growing number of countries. Based on the more than six years of work by Displacement Solutions in ten climate-affected countries, this report explores the key contention that land will be at the core of any major strategy aimed at preventing and resolving climate displacement.

The report examines how climate displacement is already underway and being tackled in Papua New Guinea, Kiribati, Tuvalu, Bangladesh and elsewhere, and proposes a series of practical policies that can be employed to protect the rights of people and communities everywhere should they be forced to flee the places they call home.



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