



THE PENINSULA PRINCIPLES – LESSONS LEARNED A DECADE ON.

The Peninsula Principles on Climate Displacement Within States - the Peninsula Principles - were adopted by a group of international legal scholars and climate change experts in 2013. This standard is the world's first policy framework designed to assist governments worldwide in dealing with people displaced by climate change. These principles 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.

This year marks the 10 year anniversary of the Peninsula Principles.

They remain more relevant than ever for climate displaced persons everywhere.

KEY POINTS

- » The world is now home to a growing number of 'Trapped People' – Climate displaced persons without the ability to migrate and to buy or access new land.
- » A mere **0.14% of Earth's land surface** would be sufficient to rehouse every single person that is displaced by climate change.
- » Small Island Developing States can form a disproportionately strong voting bloc within the United Nations as they constitute up to 30% of the votes despite their small population size.
- » 1.7 trillion US Dollars would be sufficient to rehouse **every single person** in the world displaced by climate change within a global economy now surpassing 85 trillion USD annually.
- » The situation is so dire that Tuvalu has begun creating a digital version of the nation as a means of ensuring the maintenance of state sovereignty.
- » The most conservative estimate today is that climate change could displace **216 million people** across six world regions by 2050. All other estimates are now magnitudes higher than that.



On 3 May 2023, Displacement Solutions hosted the first of eight expert Zoom meetings to mark the 10-year anniversary since the adoption of the Peninsula Principles and push the climate displacement debate forward. All of the original drafters of what became The Peninsula Principles (after more than 30 drafts!) were invited and all but two were able to attend. Participants and bios are available at the end of this report.

The drafters delved into the remarkable transformation in our comprehension and approach to climate displacement since the formulation of the Peninsula Principles in 2013. Through engaging discussions, participants acknowledged the escalating recognition of climate change as a primary catalyst for displacement, coupled with a more profound grasp of its diverse consequences, ongoing challenges, and opportunities for positive change for affected communities.

During the discussions, several innovative ideas and proposals emerged, paving the way for future action in the realm of climate displacement. The following presents a summary of these ideas that encompassed diverse avenues and strategic approaches, as participants sought to address the multifaceted challenges ahead.

The Struggle to Remain: Peninsula Principle No. 5 - 'Prevention and Avoidance'

The cultural aspects of climate mobility and displacement, as emphasized by Bruce Burson (manager at the New Zealand Immigration and Protection Tribunal) and supported by Robin Bronen (human rights attorney), opened up new avenues for exploration. They highlighted the significance of people's strong desire to remain in their homes, which is in sharp contradiction to a common sentiment that people want to migrate. The concept of remaining aligns with the essence of Peninsula Principle 5, rather than approaching climate displacement solely as "climate mobility" as referenced in other international documents.

Utilisation of Existing Levers at the United Nations

Richard Towle (international consultant, human rights, humanitarian and development) emphasized the need for political representation of states most affected by climate displacement at the UN. He expressed optimism about the potential for Small Island Developing States (SIDS) to form a strong voting bloc within the UN, constituting up to 30% of UN votes. He viewed climate change as an international peace and security topic, which would assist in encouraging resource mobilization and collaboration within the United Nations to combat climate change displacement. He also suggested leveraging existing United Nations mechanisms, such as the Security Council Working Group on climate and security, to elevate the issue on the global stage.



Strategic Litigation

The importance of utilizing legal avenues, such as strategic litigation exemplified by the Vanuatu International Court of Justice advisory opinion, was emphasized by Robin Bronen, Bruce Burson and others. They stressed the need to educate judges and decision-makers about the actions envisioned under the Peninsula Principles.

The Multifaceted Aspect of Climate Displacement: Climate, Conflict and Caravans

The participants acknowledged the existence of compounding risks whereby individuals affected by climate change can also face the impacts of conflict, poverty, and other drivers of displacement. Specifically, the restrictions imposed by COVID-19 limited people's ability to move. Ezekiel Simperingham's (Global Lead on Migration and Displacement at IFRC) work in Honduras involves collaborating with individuals who have joined migrant caravans, where the risk of hurricanes served as a tipping point for their decision. However, he stressed the importance that the decision to join the caravan was influenced by various factors, including economic opportunities. Consequently, the focus of the International Federation of Red Cross and Red Crescent Societies (IFRC) revolves around addressing these compounding issues within climate change contexts.

Climate Change and Conflict

Several of the participants drew attention to the connection between climate change and conflict. Dr. Khaled Hassine (UN Human Rights Expert), in discussing the recent conflict in Sudan, emphasized the need to focus on the interrelated link between climate change and conflict, which he referred to as "the labeling issue." He pointed out that when analyzing conflicts, a more comprehensive and interconnected analysis is necessary. For instance, it is essential to consider factors such as changes in pastoral routes due to climate change or instances of water scarcity. Dr. Khaled Hassine highlighted that this broader analysis is shared at the global level and within the United Nations. By adopting such an approach, we can address these issues in a more informed manner, allowing civil society to present relevant evidence and contribute to meaningful discussions.

Peninsula Principles' Review Conference

Bonnie Doherty (Human Rights Watch and Harvard Law School) suggested creating a Review Conference and associated Action plan for the Peninsula Principles as these could be utilised as platforms to promote key principles within the Peninsula Principles. By analyzing the implementation of a specific principle and advocating for its adoption, there can be both meaningful adoption of the relevant principle but also provide a measurement of a State's action.



Drawing on Lessons from Other International Law Struggles: Nuclear Weapons and Fossil Fuels

Considering the potential for collaboration, participants explored other forums where the Peninsula Principles could be championed, such as the ongoing negotiations for a Fossil Fuels Treaty. Drawing inspiration from alliances formed in other areas, like the environmental effects of armed conflict or nuclear testing in the Pacific, could provide valuable insights and strategies.

Government Assistance Programs and Transparency

Robin Bronen discussed US President Joe Biden's Tribal Transition and Relocation Assistance Program. Despite providing funds for climate displaced persons, she highlighted the importance of critically examining all such programs, noting her concerns about the lack of transparency in the program, specifically highlighting the unilateral selection process of tribes receiving funding and the unequal distribution of funds among tribes.

Financial Considerations

Scott Leckie presented statistics indicating that a minimal portion of Earth's land surface would be sufficient to rehouse all individuals displaced by climate change. He also proposed implementing a global climate change levy to fund the rehousing efforts, citing the substantial wealth generated during the first year of the COVID pandemic.

Infrastructure Challenges

Both Robin and Scott Leckie highlighted the challenges posed by the climate crisis on infrastructure worldwide. Robin Bronen specifically mentioned the risks associated with building on thawed permafrost, rendering the ground unstable and unsuitable for construction. The importance of developing infrastructure capable of withstanding extreme climate conditions, such as hurricanes with winds over 250mph, was emphasized. Scott pointed out that the situation was so dire that world maps would need to be redrawn in the not too distant future to reflect changes of the world's coastlines because of rising sea levels and permanent coastal flooding.

Exploring the role of culture in the climate displacement discourse: Decolonisation

The participants unanimously recognized that climate displacement not only results in physical relocation but also fractures social networks, erodes cultural practices and undermines the sense of identity and belonging. Preserving cultural heritage, language, traditional knowledge, and customary practices in the face of displacement emerged as crucial considerations. As Bruce Burson noted, the



meaningful appreciation of culture in addressing climate displacement is integral to decolonizing the research space. However, all participants affirmed in a multitude of ways that these crucial considerations have not been considered resulting in an expectation that people at risk of being displaced will relocate: “We must be careful about the definition of displacement.”

States are now turning inwards and thinking “outside the box”. People can look to Tuvalu where they are reclaiming and extending land in order to stay in their current location, making Statehood and maritime borders permanent to solidify sovereignty, and creating a digital nation to preserve their culture.

The participants observed a prevailing sense of adopting a generic “one size fits all” approach that fails to consider, not just the role of culture, but any other unique circumstances in the context of climate displacement. Echoing this sentiment, Ezekiel Simperingham succinctly summarized:

“When we are trying to design solutions, we need to understand what the specific challenge we are trying to solve is, but this is complex, there are many types of climate displaced persons, the impacts we are seeing is driven by an individual context. The solutions in the Pacific Islands are completely different to the South Asian deltas or other areas, and even within one Pacific Island it might not be the same and could differ community by community”.

New Pathways and Mechanisms to utilise within the United Nations

During the discussions, the participants put forward various pathways and mechanisms within the United Nations that can effectively address climate displacement and human rights concerns. Dr. Khaled Hassine emphasized the significance of mandates of the UN Human Rights Council (HRC), specifically highlighting the Special Rapporteur and independent expert mandates. These mandates have resulted in numerous dedicated reports focusing on internally displaced persons (IDPs), older persons, and indigenous groups. He stressed the importance of providing ground-level evidence to support actionable recommendations and foster constructive dialogue.

The participants also delved into the unique platform offered by the HRC, where governments can engage in exchanges. They pointed out the potential of the Universal Periodic Review (UPR) process as a pathway for countries like Bangladesh to share their practices and make progress in addressing climate displacement. They recognized that active participation within the HRC and UPR mechanisms can contribute significantly to advancing the cause.

The Office of the High Commissioner for Human Rights (OHCHR) emerged as a crucial custodian of human rights treaties, as noted by the participants. They highlighted the participation of civil society and academia in decision-making processes, citing a special call from the United Nations High Commissioner for Refugees (UNHCR) on climate change that incorporated inputs from researchers, including the Peninsula Principles themselves.

Ezekiel acknowledged several initiatives led by multiple UN agencies that offer additional avenues for addressing climate displacement, citing the High-Level Panel on Internal Displacement, the UN Action Agenda, and the office of Robert Piper (Special Advisor to the UN on Internal Displacement),



which focuses on durable solutions to internal displacement, as noteworthy examples. The UN Inter-Agency Standing Committee's review of the response to internal displacement was also recognized for its incorporation of climate displacement considerations. Despite the existence of these bodies, he noted the need to bridge the existing silos surrounding each body and advocated for integrating the issue of climate displacement to promote comprehensive approaches.

From a human rights perspective, the participants highlighted the important role played by the Special Rapporteur on indigenous peoples. This mandate raises awareness and conducts country visits as part of fact-finding missions, providing analysis and recommendations to address the situation.

Additionally, the participants discussed the efficacy of certain mechanisms, with a particular focus on the Security Council's Informal Working Group on Climate and Security. They emphasized that this group receives submissions and influences the Council's deliberations, presenting an opportunity for meaningful engagement and influence on policy discussions related to climate displacement and security.

This report provides a brief summary of a webinar which brought together the original drafters of the Peninsula Principles to take stock of how the Principles remain relevant today in a world of worsening climate displacement. A film capturing the entire discussion is available on the DS website and the DS YouTube channel. Throughout 2023, DS will host a series of additional regional webinars exploring these same themes and will also produce new films and reports on these gatherings as well.

Please check out www.displacementsolutions.org for all of the latest information on this project and all other activities by DS and its partners and associates.



Participant Biographies

Ingrid Boas

Ingrid Boas' research focuses on climate change-induced migration and climate security, studied from the angles of political science, human geography, and sociology. She holds a PhD in International Relations from the University of Kent. Ingrid Boas has been a visiting fellow at several institutions including the United Nations University and the Chinese Academy of Sciences. She is a research fellow with the Earth System Governance Network and the Anthropocene Mobilities network. Ingrid Boas serves as an expert on climate mobility for the EU, the Dutch Government, the UN, and several NGOs. She has co-chaired international conferences and symposiums on sustainability and environmental change.

Robin Bronen

Robin Bronen works as a human rights attorney and has been researching and working with communities forced to relocate because of climate change since 2007. She has worked with the White House Council on Environmental Quality to implement President Obama's Climate Change Task Force recommendation to address climate displacement as well as the UN High Commissioner for Refugees Climate Change Office. She is a senior research scientist at the University of Alaska Fairbanks and co-founded and works as the executive director of the Alaska Institute for Justice.

Bruce Burson

Bruce Burson is a manager at the New Zealand Immigration and Protection Tribunal and a Senior Research Associate at the Refugee Law Initiative. He advises New Zealand's Ministry of Foreign Affairs and Trade on climate mobility and consults for the International Federation of the Red Cross Red Crescent. Bruce Burson has written extensively on climate change, disasters, and human mobility. He is a member of several international organizations focused on refugee and migration law, human mobility, sea-level rise, and disaster displacement.

Bonnie Docherty

Bonnie Docherty is a lecturer on Law at the International Human Rights Clinic and Director of its Armed Conflict and Civilian Protection Initiative. She is also a Senior Researcher in the Arms Division of Human Rights Watch. Docherty has done extensive work in the field of humanitarian disarmament as lawyer, field researcher, and scholar. She participated actively, for example, in the negotiations of the 2017 Treaty on the Prohibition of Nuclear Weapons and the 2008 Convention on Cluster Munitions. Docherty has also engaged in research and advocacy related to the protection of the environment in armed conflict.



Dr. Khaled Hassine

Dr. Khaled Hassine specializes in international and human rights law and has worked extensively on housing, land, and property rights and redress mechanisms. He is the author of “Handling Climate Displacement” and has advised UN peace operations, research institutes, and NGOs. Dr. Khaled Hassine is a member of the HLP Group of the UN Global Protection Cluster and the UNHCR Livelihoods Advisory Board. He was honored with an Academia award for his research on HLP rights and mass claims procedures in post-conflict situations. He currently works at the UN Human Rights Office in Geneva.

Scott Leckie

Scott Leckie is the Founder and Director of Displacement Solutions. He is an international human rights lawyer, academic, author, social entrepreneur, environmentalist and recognized as one of the world’s leading global housing, land and property (HLP) rights experts. He is the world’s most widely published author on HLP themes, having written more than 200 books, articles and substantive reports on these issues. At the age of 25, he was already being described by leading human rights scholars as an international human rights pioneer.

Mohammad Shahjahan

Mohammad Shahjahan is a social development activist with 24 years of experience in developing and managing programs, research, and monitoring and evaluation. He is currently the Director of the KM4D department of YPSA and Focal Point of Bangladesh HLP Rights Initiative for Climate Displaced Persons. As Focal Point, he leads YPSA’s initiative on right-based solutions to climate forced displacement in Bangladesh. The Initiative has achieved several successes, including training sessions for civil society and government officials on the HLP rights of climate displaced persons. Shahjahan is the author and co-author of many articles and research reports on climate displacement and human rights.

Ezekiel Simperingham

Ezekiel Simperingham is the Global Lead on Migration and Displacement for the International Federation of Red Cross and Red Crescent Societies (IFRC). As the lead, he works on issues that cover strategy, emergencies and operations, community programs, advocacy and diplomacy over 192 National Societies. Ezekiel Simperingham is an international lawyer with over 19 years of experience providing legal and policy advice on human rights, migration, forced displacement, and housing, land and property rights. He has extensive experience working in conflict and disaster-affected countries and has previously worked for several international organizations.

Richard Towle

Richard Towle has over 30 years working in senior United Nations positions on complex humanitarian, refugee and human rights issues in Asia, Europe and North America and Africa. This experience includes working in leadership and senior management of two United Nations agencies (UNHCR and OHCHR) in complex geo-political contexts, including effective diplomatic, advocacy, and operational management skills.