



**10 YEARS OF THE
PENINSULA PRINCIPLES**

THE URGENT NEED FOR PERMANENT NATIONAL INSTITUTIONAL RESPONSES TO CLIMATE DISPLACEMENT

August 2023



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Image: Bangladesh on the frontlines of climate change.
Photo credit: Kadir van Lohuizen/NOOR

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Executive Summary

As the tenth anniversary of the Peninsula Principles on Climate Displacement Within States arrives, its relevance as a framework for addressing climate displacement has never been greater.

Ever worsening extreme weather events are driving mass displacements across the globe and the full impact of climate change continues to unfold. The Peninsula Principles remain a pillar of good practice and anchor many evolving approaches to climate change adaptation and mitigation in rights-protective ways.

This report examines the continuing relevance of the Peninsula Principles, focusing on ongoing climate displacement prevention and resolution strategies across the globe and their compliance with the Principles. It also identifies existing gaps and proposes that these could be addressed through the creation of a dedicated Climate Displacement Ministry in each country.

The report highlights various climate displacement policies employed by countries including the United States, Canada, Pacific Island nations, and Bangladesh. These range from legal mechanisms and land trusts in the US, flood defences and early warning systems in Canada, community-led planning and relocation in Pacific Island nations, to housing provision through initiatives like the climate haven preparations in Bangladesh.

While these initiatives demonstrate progress, our analysis reveals that some elements of the Peninsula Principles are less frequently implemented than others. Key issues include the absence of comprehensive, legally enforceable policies to protect the rights of climate displaced persons, as well as the fragmentation of responsibility for interventions across different government departments.

While significant progress has been made in implementing the Peninsula Principles, there remains a need for more systematic, coordinated action. This report argues that these gaps could be addressed through the creation of specific Climate Displacement Ministries in each country. Such ministries would centralise responsibility for addressing climate displacement matters, enhancing coordination and effectiveness. They would ensure a comprehensive approach to climate displacement, align national strategies with the Peninsula Principles, foster cross-departmental collaboration, and advocate for the rights of climate displaced persons.

This report was drafted by HLP expert Shaun Butta and finalised with editorial inputs from Viraa Akuthota, Kirsten Young and myself. Graphic design and other artistic work were carried out by Arteria Design artists Craig Brown and Alex Hegyesi. This report forms a core element of a year-long series of events commemorating the tenth anniversary of the Peninsula Principles on Climate Displacement Within States, a text that remains as valid today as when it was approved in 2013. With this report and all our efforts at Displacement Solutions, we urge governments everywhere to urgently establish the national institutions needed to adequately address the multitude of climate displacement challenges that will face every country across the world. These processes need to begin in earnest today.



Scott Leckie, Founder and Director
18 August 2023

I. The Peninsula Principles Are More Relevant Than Ever

1. 18 August 2023 marks the 10th anniversary of the Peninsula Principles on Climate Displacement Within States (the Peninsula Principles). The development of this innovative normative framework was the culmination of a two-year global effort coordinated by Displacement Solutions to formulate a rights-based legal framework for preventing and remedying climate displacement. The Principles were finalised in 2013 by a group of eminent thinkers in the fields of displacement, housing, land and property (HLP) and human rights. The full text of the Principles is contained in Annex 2 below.
2. The ground-breaking framework provides guidance for national governments and the international community on protection for people displaced within their own countries due to climate change impacts. As the world grapples with the intensifying effects of climate change and a lack of substantial international commitment to emissions reductions¹, the relevance of the Principles has significantly increased. This is evidenced, for instance, by their inclusion as a key policy instrument in the latest report of the UN Special Rapporteur for the promotion and protection of human rights in the context of climate change to the UN General Assembly and Human Rights Council on providing legal options to protect the human rights of persons displaced across international borders due to climate change.²
3. Extreme weather events, including heatwaves, hurricanes, droughts, and floods have become more frequent and severe, with devastating consequences for communities worldwide.³ The month of July 2023 – when this report was being prepared – was declared the hottest month ever recorded, leading UN Secretary-General Antonio Guterres to proclaim the end of the Age of Global Warming, and the arrival of the Age of Global Boiling.

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- 1 UN Climate, Climate Plans Remain Insufficient: More Ambitious Action Needed Now 26 October 2022, <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>.
 - 2 Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Ian Fry, Providing legal options to protect the human rights of persons displaced across international borders due to climate change, Human Rights Council Fifty-third session 19 June–14 July 2023 Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, 18 April 2023, 14.
 - 3 The Intergovernmental Panel on Climate Change, Synthesis Report of The IPCC Sixth Assessment Report (AR6) Summary for Policymakers, 2023, 5; Transnational Institute, The Global Climate Wall: How the world's wealthiest nations prioritise borders over climate action, October, 2021, 1.

4. The clear lack of sufficient action on emissions reductions means the situation is going to get worse before it gets better.⁴ Rising global temperatures, melting ice caps, and sea-level rise pose an imminent threat to coastal regions, small island states, and vulnerable communities in low-lying areas, as well as rural communities experiencing drought, extreme heat and wildfires. The resulting damage to infrastructure, agriculture, and livelihoods forces people to abandon their homes and seek safer ground, giving rise to climate displacement in increasing frequency and numbers.⁵ Box 1 below highlights a mere fraction of the increasingly destructive weather events recorded in 2023 alone, which in full accounts for thousands of lives and billions of dollars in lost infrastructure and agricultural losses worldwide.



Image: Solomon Islands. Photo credit: Beni Knight

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- 4 A 2022 report indicated that current commitments on emissions would lead to an increase of 10.6% by 2030 compared to 2010, UNFCCC, Climate Plans Remain Insufficient: More Ambitious Action Needed Now, 26 October 2022, <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>
 - 5 UNHCR, Climate Change and Disaster Displacement, <https://www.unhcr.org/what-we-do/build-better-futures/environment-disasters-and-climate-change/climate-change-and>.

Box 1: Extreme Weather Events 2023

The following examples represent a fraction of the total extreme weather events from across the globe in 2023 alone, showing the geographical spread and typology of dangers facing various populations.

Canada – Sets a new record for the largest area burned by wildfires in a single year – 8.1m hectares (20m acres), 21 times above the average over the last decade. Of the 966 wildfires across Canada, 603 are out of control.⁶

Myanmar – Tropical cyclone Mocha tears through Rakhine state, forcing the evacuation of 900,000 people, killing 145 and damaging 185,000 buildings.⁷

Italy – Torrential rains and flooding kill 13 and force the evacuation of 36,000.⁸

South Sudan – Around 1,000,000 are affected by a record fourth year of flooding, leading to 47,000 square km of land remaining underwater.⁹

Malawi, Mozambique, Madagascar, and Zimbabwe – Cyclone Freddy kills 1,000 and displaces 500,000 people.¹⁰

Sardinia, Spain and Albania – Each recorded their hottest temperatures in history in summer 2023, sparking wildfires in southern Europe and hailstorms in Italy.¹¹

Afghanistan – Flash flooding kills 31, injuring 74 and leaving 41 people missing, and leaving hundreds of acres of crops destroyed.¹²

- 6 Nadine Yousif BBC News, Toronto, Canada wildfire season is now the worst on record, <https://www.bbc.com/news/world-us-canada-65816466>, Canadian Interagency Forest Fire Centre, Fire Information, 22 July 2023, <https://www.cifcc.ca/>.
- 7 ASEAN, Situation Update No. 8 – Tropical Cyclone Mocha, Myanmar – 26 May 2023, <https://ahacentre.org/situation-update/situation-update-no-8-tropical-cyclone-mocha-myanmar-26-may-2023/>; Outlook India, Myanmar: Death Toll From Cyclone Mocha Rises To 54; Full Extent Of Damage Still Unknown, 22 July 2023, <https://www.outlookindia.com/international/myanmar-death-toll-from-cyclone-mocha-rises-to-54-full-extent-of-damage-still-unknown-news-287525>.
- 8 Angela Giuffrida, The Guardian, 'Roads have disappeared': Italy begins clean-up after catastrophic floods, 21 May 2023, <https://www.theguardian.com/world/2023/may/21/italy-flooding-floods-emilia-romagna-cleanup-homeless-landslides>.
- 9 Harriet Barber, The Telegraph, South Sudan battles a four-year flood, 31 January 2023, <https://www.telegraph.co.uk/global-health/climate-and-people/south-sudans-four-year-flood-could-spell-permanent-change-climate/>.
- 10 Reuters, Cyclone Freddy death toll jumps to over 1,000, Malawi president says, 12 April 2023, <https://www.reuters.com/world/africa/cyclone-freddy-death-toll-jumps-over-1000-malawi-president-says-2023-04-12/>.
- 11 Azure Prior, The Guardian, Weather tracker: records fall but worst of Europe's heatwave may yet be to come, 21 July 2023, <https://www.theguardian.com/world/2023/jul/21/weather-tracker-records-fall-europe-heatwave-wildfires-hailstones-philippines-typhoon>.
- 12 Al Jazeera, Deadly flash floods add to misery in Afghanistan, 24 July 2023, <https://www.aljazeera.com/gallery/2023/7/24/photos-deadly-flash-floods-add-to-misery-in-afghanistan>.

5. Despite mounting evidence that urgent structural action is required, international commitments to reduce greenhouse gas emissions have been lacking in ambition and implementation.¹³ The Paris Agreement, while a crucial step, has not been adequately implemented by many nations. Political obstacles, economic considerations, the obstinance of the fossil fuel industry and competing priorities have hindered progress in curbing emissions.¹⁴ This lack of commitment perpetuates the cycle of climate change, exacerbating its effects and increasing the likelihood of climate-related displacement.
6. Climate displacement has emerged as a significant consequence of climate change, as individuals and communities are forced to leave their homes in search of safety and stability. Within the context of increasingly devastating climate change induced weather events and their resulting displacement of communities worldwide, as well as the failures to act to mitigate emissions levels causing these events, the Peninsula Principles are now more relevant to government action than ever before. The Principles offer a crucial framework for protecting the rights and ensuring the dignity of climate displaced persons, recognising the need for adequate land, resources, and social support in their host communities. The principles provide guidance to governments, policymakers, and international organisations on addressing the specific needs and vulnerabilities of climate displaced persons. They emphasise the importance of rights-based approaches, participation, consultation, and adequate resources for those affected by climate-induced displacement. By recognising the unique challenges faced by climate migrants and upholding their rights, the Peninsula Principles contribute to the development of just and equitable responses.
7. While the Global North - which bears the majority of responsibility for the CO₂ and other emissions responsible for global warming and climate change - drags its feet on climate commitments, the Global South - which bears the brunt of the impacts of climate change displacement already - has begun to take action. The proactive and rights-focused responses of several nations are highlighted in this report. This report examines the actions taken by these countries and the compliance of these activities with both the spirit and the letter of the Peninsula Principles in ways which deliver land solutions, tenure security and predictability for climate displaced persons across the globe.

13 A 2022 report indicated that current commitments on emissions would lead to an increase of 10.6% by 2030 compared to 2010, UNFCCC, Climate Plans Remain Insufficient: More Ambitious Action Needed Now, 26 October 2022, <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now>.

14 UNDP, For every dollar pledged to tackle climate crisis for world's poor, four dollars are spent on fossil fuel subsidies that keep the climate crisis alive according to new UNDP research, 27 October 2021, <https://www.undp.org/press-releases/every-dollar-pledged-tackle-climate-crisis-worlds-poor-four-dollars-are-spent-fossil-fuel-subsidies-keep-climate-crisis-alive>; Sandra Laville, The Guardian, Top oil firms spending millions lobbying to block climate change policies, says report, 22 March 2022, <https://www.theguardian.com/business/2019/mar/22/top-oil-firms-spending-millions-lobbying-to-block-climate-change-policies-says-report>.

II. The Role of the Peninsula Principles in Shaping Action on Climate Displacement

8. In the ten years since they were created, the Peninsula Principles have continued to grow in relevance as an international normative legal standard, as a source of reference in international case law, and as a key resource for the formation of various national policies related to climate induced displacement. See Box 2.

Box 2. How Do the Peninsula Principles Guide Government Responses?

The 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 within States can be addressed. The Principles set out protection and assistance provisions, consistent with the UN Guiding Principles on Internal Displacement (upon which they build and contextualise), to be applied to climate displaced persons.

The foundations of the Principles include the following:

- » While climate displacement can involve both internal and cross-border displacement, most displacement will likely occur within State borders;
- » Climate displaced persons have a right to remain in their homes and retain connections to the land on which they live for as long as possible;
- » Those who may be displaced have a right to move safely and to relocate within their national borders over time;
- » Climate displacement, if not properly planned for and managed, may give rise to tensions and instability within States;
- » Because climate change is a global problem, States should (upon request by affected States), provide adequate and appropriate support for mitigation, adaptation, relocation and protection measures, and provide assistance to climate displaced persons;
- » 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;

- » There has been no significant coordinated response by States to address climate displacement, whether temporary or permanent in nature;
- » The United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol neither contemplate nor address the issue of climate displacement; and
- » There is a 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 remedial assistance to those who have been so displaced, and legal protections for both.

The Principles are divided into four operative parts: (a) general obligations; (b) climate displacement preparation and planning; (c) displacement; and (d) post-displacement matters:

General obligations include those pertaining to the prevention and avoidance of conditions that might lead to climate displacement; provision of adaptation assistance and protection measures; national implementation measures; and international cooperation and assistance.

Climate displacement preparation and planning includes climate displacement risk management; participation by and consent from affected individuals, households and communities regarding such preparation and planning; land identification, habitability and use; development of laws and policies for loss suffered and damage incurred in the context of climate displacement; and development and strengthening institutional frameworks to support and facilitate the provision of assistance and protection.

Displacement comprises state-based assistance to those climate displaced persons experiencing displacement but who have not been relocated, together with housing and livelihood matters and remedies and compensation.

Post-displacement and return sets out 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.

A variety of reports, books and other documents explore the contents and impacts of the Peninsula Principles, and these can be accessed online at www.displacementsolutions.org.

9. The Peninsula Principles continue to be an integral part of the **international normative frameworks** which provide guidance around climate displacement. Since their adoption in 2013, the Principles have been widely used as a key resource determining the rights of people everywhere who are negatively affected by the consequences of climate change. For instance, the Principles are listed on OCHA's Reliefweb, the preeminent source of humanitarian resources for practitioners in the field of forced displacement and climate change.¹⁵ The United Nations Framework Convention on Climate Change cites the Principles as a leading resource on responses to climate displacement.¹⁶ The Principles have also been referred to by the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, as an example of best practise frameworks for dealing with climate displacement.¹⁷ In addition, the principles have also been referred to by UNHCR as a key strategic framework to manage displacement in their Planned Relocation, Disasters And Climate Change: Consolidating Good Practices And Preparing For The Future Report, as an example of good practice.¹⁸ The Principles have also been cited in UNESCO's Impact of Climate Displacement on the Right to Education, Working Papers on Education Policy, to name just a few of many similar citations.¹⁹
10. In **international case law**, the Principles have also been cited in submissions to the various Special Rapporteurs including those on the Rights of Indigenous People in Addressing Climate-Forced Displacement and on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment.²⁰
11. The use of the Principles in **shaping national strategies** of various governments in developing proactive land solutions to deal with affected communities is another important indicator of the continuing value of the Peninsula Principles. For example, Bangladesh has drawn on the Peninsula Principles directly to shape the government's national strategy on the management of disaster and climate induced internal

15 <https://reliefweb.int/report/world/peninsula-principles-climate-displacement-within-states-2013>.

16 https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/peninsula_principles.pdf.

17 Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, Casablanca, 2016, <https://unfccc.int/topics/resilience/resources/submissions-on-internal-and-cross-border-migration--displacement-and-other-forms-of-human-mobility>.

18 UNHCR, Planned Relocation, Disasters and Climate Change: Consolidating Good Practices And Preparing For The Future Report, Sanremo, Italy, 12-14 March 2014, www.unhcr.org/54082cc69.pdf.

19 <https://unesdoc.unesco.org/ark:/48223/pf0000374966>.

20 January 15, 2020, Complaint submitted to: Cecilia Jimenez-Damary, Special Rapporteur on the Human Rights of Internally Displaced Persons, Victoria Lucia Tauli-Corpuz, Special Rapporteur on the Rights of Indigenous Peoples David R. Boyd, Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, et al, <http://climatecasechart.com/non-us-case/rights-of-indigenous-people-in-addressing-climate-forced-displacement/>.

displacement (NSMDCIID).²¹ The government of Panama has used the principles as a guiding document to assist in designing responses to rising sea level threats toward the Guna Yala archipelago since 2014.²² In Colombia, the principles have informed the government's response to the relocations in Gramalote. In Fiji the principles have been used as a reference for the Fiji relocation guideline used by the Ministry of Foreign Affairs and International Cooperation.²³

12. Civil society groups have also benefited from the Peninsula Principles in **community-level planning responses** to climate threats. For example, they have been used as a guiding document by the civil society group Young Power in Social Action (YPSA) for the design of housing, land and property projects in Bangladesh.²⁴ They have also been prominently cited in the Global Mayors Action Agenda on Climate and Migration 2021.²⁵
13. The Peninsula Principles also continue to provide a resource for **driving academic discourse**, which is central to furthering theoretical frameworks around responses to climate displacement. The Peninsula Principles have been cited across a range of academic papers, including:
 - » *Designing a Climate Change Displacement Coordination Facility: Key Issues for COP 21* By Jessica Wentz and Michael Burger September 2015, Sabin Centre for Climate Law, Colombia Law School
 - » *Negotiating Migration in the Context of Climate Change: International Policy and Discourse*, Ch 7 Interrogating a Notable Silence: Human Rights and the Migration and Climate Change Nexus²⁶
 - » *Human Rights, Climate Change and Cross-Border Displacement: The Role Of The International Human Rights Community In Contributing To Effective And Just Solutions*, Universal Rights Group Policy Report²⁷
 - » *The Urgent Need to Prepare for Climate Displacement in Myanmar: Establishing a Myanmar National Climate Land Bank*, 2018²⁸

21 National Strategy On The Management Of Disaster And Climate Induced Internal Displacement (NSMDCIID), Bangladesh Government, 6.

22 Displacement Solutions, Land Solutions for Climate Displacement Works in Colombia: Government-supported Gramalote relocation moves ahead, 20 March 2017.

23 Government of Fiji, Planned Relocation Guidelines A framework to undertake climate change related relocation, 2018.

24 Young Power in Social Action (YPSA) , <https://ypsa.org/bangladesh-housing-land-and-property-hlp-rights-initiative/>.

25 Global Mayors Action Agenda On Climate And Migration 2021, C40, <https://www.mayorsmigrationcouncil.org/c40-mm-action-agenda>.

26 Sarah Louise Nash, Bristol University Press 2019, <https://bristoluniversitypress.co.uk/negotiating-migration-in-the-context-of-climate-change>.

27 Professor Jane McAdam and Marc Limon, Protecting The Human Rights Of Those Displaced In The Context Of Climate Change And Disasters, <https://www.universal-rights.org/urg-policy-reports/human-rights-climate-change-and-cross-border-displacement-the-role-of-the-international-human-rights-community-in-contributing-to-effective-and-just-solutions/>.

28 Displacement Solutions and Ecodev/ALARM (May 2018), <https://reliefweb.int/report/myanmar/urgent-need-prepare-climate-displacement-myanmar-establishing-myanmar-national>.



Image: Housing in Yangon, Myanmar, a country totally unprepared for climate displacement.
Photo credit: Scott Leckie

- » *Using Human Rights to Resolve the Climate Displacement Problem: The Promise of the Peninsula Principles in Repairing Domestic Climate Displacement: The Peninsula Principles*²⁹
- » *Climate Change Displacement In Fiji: Legal Landscapes In The Face Of Rising Tides*³⁰

14. Many countries have taken proactive steps by implementing climate displacement policies, across Southeast Asia, the Pacific and the Americas. According to recent research, as many as 400 planned relocation measures have been enacted across the globe in response to climate change effects.³¹ Some of these strategies have relied directly on the Peninsula Principles for direction, while others have implemented programs in direct compliance with the principles, without direct attribution. These efforts represent the vanguard of land solutions for climate action. Several are summarised in this section to highlight which of the Principles are being implemented most frequently, what this means for the operationalisation of the principles and also to show which gaps and barriers remain for full implementation and which may require support from the international community.

Bangladesh

15. Bangladesh has taken on a leadership role in climate change mitigation and adaptation, commencing climate displacement planning two decades ago. They have implemented various centralized policies and strategies, ranging from risk management to establishing government bodies for sustainable displacement solutions. One prominent example is the National Strategy on The Management of Disaster and Climate Induced Internal Displacement (NSMDCIID), which adopts a rights-based approach to climate displacement and involves community-based consultations and which explicitly takes inspiration from the Peninsula Principles.³²

Recognizing the inevitability of internal climate migration, Bangladesh has focused on preparing receiving cities which will become climate havens which will benefit from

29 Repairing Domestic Climate Displacement; The Peninsula Principles (editor with Chris Huggins), Routledge (2016), Chapter 1, 1-15.

30 Briellen Sands, Journal of South Pacific Law, 140-163, December 2021

31 Platform on Disaster Displacement (PDD), the Kaldor Centre for International Refugee Law, the International Organization for Migration (IOM) and the German Development Agency (GIZ), Leaving Place, Restoring Home Enhancing The Evidence Base On Planned Relocation Cases In The Context Of Hazards, Disasters, And Climate Change, 2021, <https://www.kaldorcentre.unsw.edu.au/news/new-global-dataset-what-%e2%80%98planned-relocation%e2%80%99-looks-context-disasters-and-climate-change>.

32 Tasneem Siddiqui, Md. Ekhtekharul Islam and Tamim Billah, Researching Internal Displacement, policy architecture to address disaster and climate change induced displacement in Bangladesh, March 9, 2023, https://researchinginternaldisplacement.org/short_pieces/policy-architecture-to-address-disaster-and-climate-change-induced-displacement-in-bangladesh/.

internal migration. The Asian Development Bank³³ is supporting the government's efforts in Mongla, aiming to transform it into a climate haven through expanded social services and income generation projects.³⁴ This model will be replicated in other coastal towns, with the goal of resettling approximately 10 million climate migrants in the next ten years.³⁵ Moreover, the government has proactively set up the National Climate Finance Mechanism to fund its own initiatives, and it has already implemented more than 800 climate-related projects, reflecting a commitment to climate change mitigation and adaptation.

Canada

16. Canada has recently announced a national strategy to mitigate the effects of extreme weather conditions caused by climate change, including flooding, wildfires, and melting permafrost. It is estimated that by 2030, climate change-related disasters will cost 15.4 billion Canadian dollars per year. The Canadian Climate Institute predicts that climate effects will impede Canada's economic growth by 23.7 billion Canadian dollars (USD 18bn) annually by 2025. The Environment Minister Steven Guilbeault announced the strategy following a severe wildfire season, which burned 7.8 million hectares in 2023. The strategy coincides with efforts to reduce greenhouse emissions; the current wildfires alone have released nearly 600 million tonnes of carbon dioxide. Canada has been plagued by recent climate change-related disasters, including 2021's Hurricane Fiona and unprecedented floods in British Columbia. Thawing permafrost which covers around 50% of the Canadian land mass also poses a continuing threat to Indigenous and other communities. The federal government aims to improve health outcomes, safeguard nature and biodiversity, and build resilient infrastructure through the strategy. Over 10 billion Canadian dollars (USD 7.6bn) have been committed since 2015 for adaptation and disaster assistance, with 2 billion Canadian dollars (USD 1.5bn) allocated for flood mapping and insurance since 2022.³⁶

33 Global Centre on Adaptation, GCA and Asian Development Bank to Scale Up Nature-Based Solutions for Climate Change Adaptation in Bangladesh, 30 November 2022, https://gca.org/news/gca-and-adb-to-scale-up-nbs-for-climate-adaptation-in-bangladesh/?_gl=1*1chouhb*_ga*MjAwNzA0NTA3NS4xNjgyMTIyMjU2*_up*MQ.

34 Patrick Verkooijen, Ban Ki-moon, Context, Bangladesh is a global pioneer in preparing for climate migrants, 13 February 2023, <https://www.context.news/climate-risks/opinion/bangladesh-is-a-global-pioneer-in-preparing-for-climate-migrants>.

35 Julhus Alam, The Diplomat, For Climate Migrants, Bangladesh Offers Promising Alternatives, 30 March 2022, <https://thediplomat.com/2022/03/for-climate-migrants-bangladesh-offers-promising-alternatives/>. The efforts in Bangladesh align with the National Strategy on the Management of Disaster and Climate-Induced Internal Displacement (2015), which seeks to prevent and respond to displacement and support the achievement of durable solutions through housing assistance, livelihood opportunities, and improved community infrastructure.206 It emphasizes the importance of addressing the impact of displacement and relocation on host communities, providing them with social security assistance, and engaging them in local integration interventions.

36 Al Jazeera, Canada launches first-ever national climate adaptation strategy, 27 June 2023, <https://www.aljazeera.com/news/2023/6/27/canada-launches-first-ever-climate-adaption-strategy#main-content-area>.

Fiji

17. Fiji, ranked as one of the most climate-exposed nations, has undertaken significant efforts to address the risks posed by climate change. The government has developed planned relocations as a strategy to mitigate the impact of severe weather events on its 300 islands. Fiji's relocation planning is centred around the concept of "managed retreat," gradually moving communities from vulnerable coastal areas to safer inland locations. The government aims to ensure the safety and livelihoods of people by relocating them from high-risk flood and erosion zones. To support the relocation efforts, Fiji has implemented various programs, including the Climate Relocation and Displaced Peoples Trust Fund. This fund provides financial resources to aid in relocation and help affected communities adapt to their new environments. It ensures access to basic services, infrastructure, and livelihood opportunities in the relocated areas. Fiji has established partnerships with the United Nations Development Programme (UNDP) and the Green Climate Fund (GCF) to access funding and technical expertise for relocation planning and implementation. These collaborations have enabled Fiji to incorporate climate resilience measures into its policies and develop comprehensive relocation strategies. Pacific neighbours, notably New Zealand, have provided significant support, including \$150 million for climate programs and \$2 million specifically for relocations. Fiji's relocation planning focuses on community engagement and participation, allowing affected individuals to be part of the decision-making process. This participatory approach ensures that local concerns are addressed, fostering trust and facilitating tailored solutions for each community's specific needs.

Panama

18. In response to rising sea levels, the indigenous Guna people of Panama, inhabiting an archipelago off Panama's north-eastern coast, have embarked on a community relocation to the mainland. This effort, initiated a decade ago, will see about 300 families from Gardi Sugdub Island moving in 2023.³⁷ The Guna communities have identified 17 hectares of suitable land within their ancestral mainland territory for resettlement, near a school and a health care centre being developed by the government. The relocation plan was created in collaboration with government agencies, NGOs, and international bodies, ensuring the chosen sites were viable. The plan seeks to preserve the Guna

37 Melba Newsome, ScienceNews, How an Indigenous community in Panama is escaping rising seas; 7 April 2023, The Indigenous Guna people of Gardi Sugdub have plans to move to Panama's mainland this year, <https://www.sciencenews.org/article/indigenous-guna-panama-escape-rising-seas>.

culture, traditions, and self-governance, and continue traditional sustainable practices, such as fishing and agriculture. This relocation serves as an illustration of an indigenous community's resilience and proactive adaptation to climate change, while emphasizing the importance of cultural preservation.³⁸

Tuvalu

19. With a total land area of 26km² and an average elevation of less than five metres above sea-level, Tuvalu has had no option but to begin preparing for climate displacement. The primary focus of Tuvalu's climate displacement strategy is on adaptation and resilience-building measures. The government has established dedicated departments, such as the Department of Climate Change and the Department of Lands and Survey, to coordinate and implement these efforts. These departments work in collaboration with international organizations and partners to develop and implement appropriate policies and programs like the National Adaptation Plan.³⁹ Funding mechanisms play a crucial role in Tuvalu's climate displacement strategy. The government has sought financial support from international sources, such as the Green Climate Fund, to fund adaptation projects.⁴⁰ Additionally, Tuvalu has received assistance from bilateral partnerships and donor countries to implement specific initiatives.⁴¹

Vanuatu

20. Vanuatu leads the world index on countries most exposed to disaster risks as of 2020.⁴² In response to those risks the government has created a Ministry of Climate Change Adaptation and a Department of Climate Change, which are implementing a range of activities to deal with the risk to coastal communities through disaster risk reduction,

38 Id.

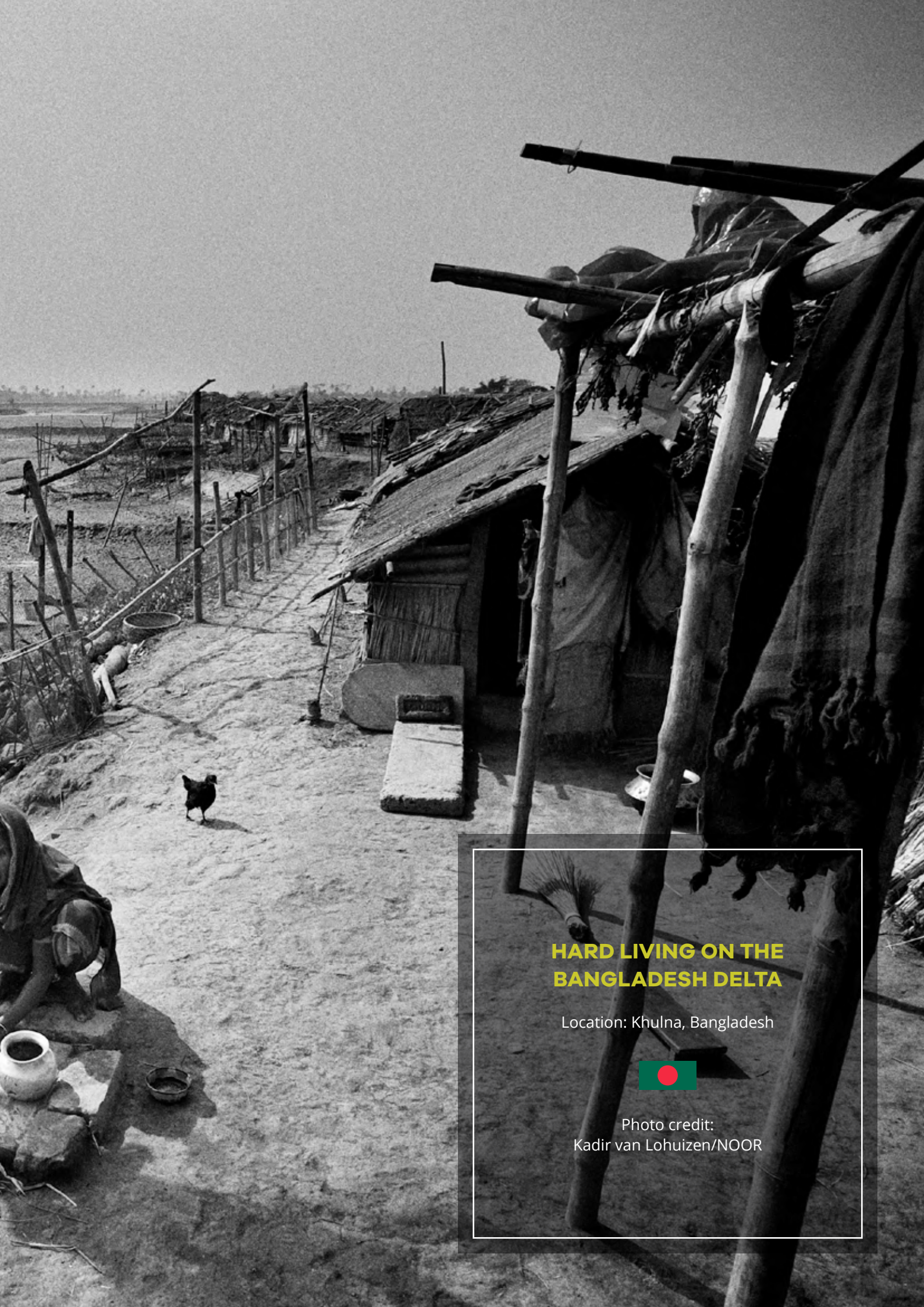
39 Secretariat of the Pacific Regional Environment Programme, Tuvalu Fights Back Against Climate Change Impacts With National Adaptation Plan, 20 April 2023, <https://www.sprep.org/news/tuvalu-fights-back-against-climate-change-impacts-with-national-adaptation-plan>.

40 Green Climate Fund, Development of Tuvalu's National Adaptation Plan (NAP) to advance medium and long-term adaptation planning, 2021, <https://www.greenclimate.fund/document/development-tuvalu-s-national-adaptation-plan-nap-advance-medium-and-long-term-adaptation>.

41 DFAT, Tuvalu - Australia's commitment to strengthening climate and disaster resilience in the Pacific, <https://www.dfat.gov.au/about-us/publications/tuvalu-australias-commitment-to-strengthening-climate-and-disaster-resilience-in-the-pacific>.

42 Bündnis Entwicklung Hilft and Ruhr University Bochum – Institute for International Law of Peace and Armed Conflict (IFHV), World Risk Report: Focus: Forced Displacement and Migration, 6.





HARD LIVING ON THE BANGLADESH DELTA

Location: Khulna, Bangladesh



Photo credit:
Kadir van Lohuizen/NOOR

adaptation and community resilience activities. The projects, implemented through funding and partnerships with UNDP and Save the Children Australia, are aimed at increasing community access to climate information and early warning systems, as part of disaster risk reduction measures. The projects will also “support locally led adaptation plans to increase food security and build climate-resilient livelihoods, by restoring and protecting coastal areas, enabling women-led enterprises, and supporting climate-resilient agriculture and fisheries techniques.”⁴³

III. Building on Promising Starts

21. The case studies above show what can be achieved with the political will to proactively plan for, and implement, land-based solutions for climate displaced persons which protect HLP rights in a manner – at least partially – that is in full compliance with the Peninsula Principles. The various approaches show that states are engaging through adaptation assistance, research, and resilience building measures which align with the Principles on helping communities prevent and/or delay climate displacement. Further, many activities seek to mitigate the impact of displacement if and when it occurs, in line with the Principles around state assistance, participation and consent, provision of housing and compensation through loss and damage mechanisms.
22. The activities and policies outlined are designed to follow international best practice and HLP legal principles stemming from a range of international legal instruments that clearly enshrine HLP rights. Whilst these efforts represent a promising start, there are other important elements of the Peninsula Principles which appear to be implemented less frequently or which do not otherwise receive the attention they deserve within adaptation and mitigation strategies.

Limited Information on the Role of Titling in Resettlement/Relocation Programs

23. While managed retreat and planned relocations have become viable mitigation and adaptation strategies across various regions, there is little publicly available information regarding the manner in which post-relocation land titling has been dealt with, either in customary or centralised/formal, land registration systems. This is a gap which requires

43 Government of Vanuatu, National Advisory board on Climate Change and Disaster Risk Reduction, Two Major Projects on Climate Change Adaptation for Vanuatu Approved, 19 May 2022, <https://www.nab.vu/news/two-major-projects-climate-change-adaptation-vanuatu-approved>.

close scrutiny. When communities are forced or choose to move to new locations, it is critical that their HLP rights are protected to prevent future re-displacement. In small-scale government-organised relocations, such as those in Louisiana or Alaska⁴⁴, ensuring formal recognition and securing tenure through titles for relocated populations should be relatively straight forward, particularly where relocation sites will be publicly owned land. This should also be the case where climate displaced persons are accommodated on land held in and dispersed from climate land banks in future and where government title is provided. However, future large-scale displacements, particularly those caused by rapid onset severe climate events like cyclones and wildfires, may lead to chaotic movements of large numbers of climate displaced persons. When those movements force climate displaced persons into peri-urban areas, like slums for example, securing tenure is likely to become a difficult problem for many governments to resolve at scale. It is therefore critical that governments which already have responsibility for large peri-urban slums begin immediate upgrading and implementation of systems for recognising informal tenure relationships. Significant research has already shown that such systems are available for use, cheaply and at scale.⁴⁵

Free Prior Informed Consent and Community Consultation

24. The implementation of planned relocation activities relies heavily on community consultation for successful implementation. There are examples in Vietnam (concerning community participation and access to livelihoods) and in the United States (concerning inequality in access to relocation between tribes) of planned relocations which have been marred by accusations of unfairness and lack of consultation with communities.⁴⁶ Failure by governments to involve community leaders and marginalised groups puts the sustainability and the rights of the participants at risk. Free, prior, informed consent is the benchmark practice for liaising with communities impacted by climate displacement and should be at the centre of all project designs, as recommended in Peninsula Principle 10 dealing with participation and consent.⁴⁷

44 Solving Climate Displacement Through Proactive Land Policy, Displacement Solutions, July 2023, 23.

45 UN Habitat, *Fit-For-Purpose Land Administration: Guiding Principles for Country Implementation*, <https://unhabitat.org/fit-for-purpose-land-administration-guiding-principles-for-country-implementation>.

46 Solving Climate Displacement Through Proactive Land Policy, Displacement Solutions, July 2023, Fiji - Vietnam – 25, USA – 23/4.

47 Food and Agriculture Organisation, *Free Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities*, Manual For Project Practitioners, 2016.

Access to Equitable Compensation

25. Out of the almost 50 countries which have implemented National Climate Funds, there are very few examples of countries following the provisions of Peninsula Principle 16, which is aimed at equitable access to fair compensation for forced displacement due to climate factors.⁴⁸ HLP restitution and compensation represents the gold standard in the provision of durable solutions in forced displacement contexts and is a key component of a rights-based approach to durable solutions. Restitution and compensation are critical to the reestablishment of displaced communities and their access to a range of other rights, including access to livelihoods, education and health services as well as the right to an adequate standard of living.⁴⁹

IV. Every Government Should Create a Climate Displacement Ministry (CDM)

26. These identified gaps are examples of areas which could be addressed by governmental institutions which would take responsibility for ensuring international best practice according to frameworks such as the Peninsula Principles. These activities could be mainstreamed into climate displacement prevention and remedial activities which would be undertaken as joint projects with other relevant Ministries (such as agriculture, housing, infrastructure, etc). While some smaller developing nation states have made excellent starts by putting land at the centre of climate displacement solutions, their approaches have utilised a variety of ministries and funding sources, thereby reducing the efficiency of efforts and making both national and international funding through climate finance more challenging. In addition, the gaps identified above mean that land solutions to climate displacement created through a central channel would streamline land solutions at the identification, funding, implementation and sustainability and protection levels.
27. A better and potentially far more effective way to achieve improved and more far-reaching outcomes on land-based solutions would be for every government to create a National Climate Displacement Ministry. National Climate Displacement Ministries would facilitate a coordinated effort by governments everywhere to work individually, but also collectively, to plan for, finance and implement strategies to deal with climate displacement. Climate Displacement Ministries would be mandated statutory bodies,

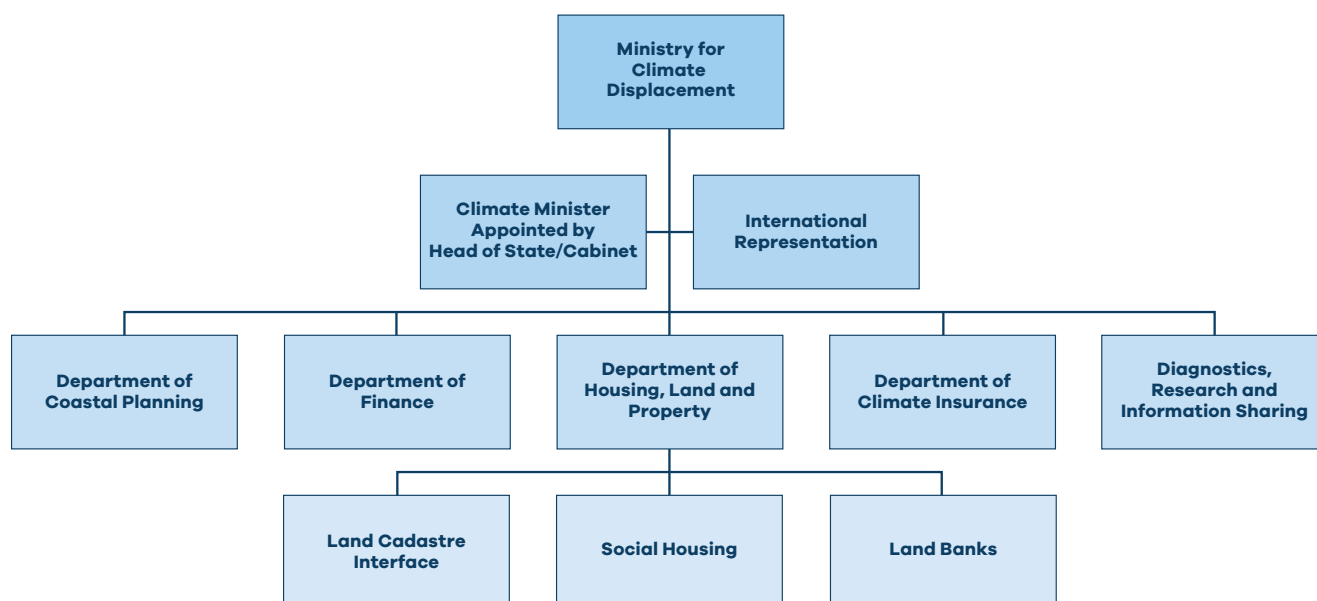
48 Rishikesh Ram Bhandary, National climate funds: a new dataset on national financing vehicles for climate change, *Climate Policy*, Vol 22, 2022, Issue 3, <https://www.tandfonline.com/doi/full/10.1080/14693062.2022.2027223>.

49 Pinheiro Principles, Principle 2, Peninsula Principles, Principle 16, Remedies and Compensation.

fully funded and staffed by experts in a range of fields, which would be capable of interpreting and implementing the raft of measures prescribed by the Peninsula Principles, as laid out below.

28. Creating Climate Displacement Ministries in each country will be essential to a coordinated and efficient international and domestic response to climate displacement, specifically because the impacts are multidimensional, affecting socioeconomic stability, security, health, and human rights. Dedicated ministries can facilitate a focused, coordinated approach to climate displacement by integrating the necessary mitigation, adaptation, and response strategies across all sectors of government.
29. Climate Displacement Ministries cannot be tokenistic efforts by governments, however. They will need to be fully funded statutory bodies with influence. Given the impacts of climate displacement in coming decades, these ministries need to be as powerful and influential as traditional ministries such as Foreign Affairs, Justice or Interior Ministries. To secure this type of prestige, these Ministries need to become national and international leaders in the field, contributing valuable knowledge, innovative solutions, and best practices to the global discourse on climate displacement by fostering strong relationships with affected communities, international organizations, other governments, and academic institutions.
30. These Ministries will require strong leadership and institutional capacity. Investing in a highly competent workforce, robust research capabilities, and transparent, accountable governance structures will ensure the Ministry is seen as a reliable, effective, and trusted part of the government machinery.

Potential Structure of a Climate Displacement Ministry



I. Funding the Ministries

31. The creation of a Climate Displacement Ministry would represent a strong and visible commitment by nations to address the crisis of climate displacement which is already underway. However, the establishment of such a ministry would require significant funding which could be generated through a variety of domestic and international channels. Every national budget issued should include specific and guaranteed funding allocations towards the effective functioning of the CDM. Every political party in every country should be encouraged to include commitments to the CDM within their political party manifestos.
32. The primary source of funding in most countries would likely be governmental appropriations. As part of the annual budgetary process, the legislative body would allocate funds to the Ministry based on its projected responsibilities and costs.⁵⁰ This allocation would require negotiation between different parties and interests within legislative bodies, as well as a clear articulation of the Ministry's mission and priorities. This funding could be supplemented by emergency appropriations in the event of sudden increases in climate displacement or extreme weather events leading to emergency situations.
33. Targeted taxes or levies could also provide a substantial source of funding. A carbon tax is a prime example of this; companies and industries that contribute significantly to greenhouse gas emissions would be required to pay additional taxes, which would then be directed to CDM. The logic behind this stems from the "polluter pays principle" - those who contribute to the problem should contribute to the solution.⁵¹ In addition, environmental levies could be implemented on certain goods and services with high carbon footprints.

⁵⁰ See for example the appropriations process in the USA Senate, Appropriations - The president submits a budget to Congress for the federal government every fiscal year (October 1 through September 30). Congress must then pass appropriations bills to provide money to carry out government programs for that year. Appropriations bills are usually divided up by type of program and agency into thirteen separate bills: Agriculture, Commerce/Justice/State, Defense, District of Columbia, Energy and Water, Foreign Operations, Interior, Labor/Health and Human Services/Education, Legislative Branch, Military Construction, Transportation, Treasury/Postal Service, and Veterans' Affairs/Housing and Urban Development, https://www.senate.gov/reference/reference_index_subjects/Appropriations_vrd.htm#:~:text=The%20president%20submits%20a%20budget,government%20programs%20for%20that%20year.

⁵¹ London School of Economics and Political Science, What is the polluter pays principle? 18 July 2022, <https://www.lse.ac.uk/granthaminstitute/explainers/what-is-the-polluter-pays-principle/#:~:text=The%20'polluter%20pays'%20principle%20is,human%20health%20or%20the%20environment.>

34. Governments could issue climate bonds or green bonds, like those issued by the International Finance Corporation and developing countries using bonds to finance energy transitions like Colombia, Egypt, India, and Indonesia.⁵² These bonds could be bought by citizens, corporations, and other entities, and would provide upfront capital for the Ministry while signalling the country's commitment to addressing climate change. Such bonds would effectively allow the public to invest directly in climate mitigation and adaptation strategies, enhancing public buy-in toward climate mitigation strategies while funding climate ministries.
35. In addition, funding could be supplemented through fines and penalties imposed on entities that violate environmental regulations or show reluctance to live up to net-zero emissions commitments. This would generate revenue while discouraging harmful activities and encouraging compliance with environmental standards.
36. Public-private partnerships could also be a major source of funding. Through these, businesses and industries that are committed to sustainable practices could provide funding in exchange for public recognition, tax breaks, or other benefits.⁵³ This could be a critical stream of capital given that climate financing is far short of what is required currently.
37. Revenue could also be generated through the sale or lease of government-owned lands or resources for green initiatives, such as wind farms or solar parks. The revenue from these could be dedicated to the CDM.
38. Governments could also explore the option of establishing a national climate fund, to which individuals, businesses, and philanthropies could donate. This could be incentivized through tax deductions and other benefits. As of 2022 roughly 46 nations have already established National Climate Funds, using a variety of models and legal statuses. India's National Clean Energy Fund for example, receives allocations from the central budget and is overseen by an inter-ministerial group, with Ministry of Finance as the chair, which approves project decisions. More autonomous models include the Micronesia Conservation Trust, a not-for-profit entity created under Micronesian law, with a governing board of Micronesian officials, civil society, as well as representatives of the donor community.⁵⁴

52 The World Bank, What You Need to Know About IFC's Green Bonds, 8 December 2021, <https://www.worldbank.org/en/news/feature/2021/12/08/what-you-need-to-know-about-ifc-s-green-bonds>; The World Bank, From India to Indonesia, Green Bonds Help Countries Move Toward Sustainability, 10 April 2023, <https://www.worldbank.org/en/news/feature/2023/04/10/from-india-to-indonesia-green-bonds-help-countries-move-toward-sustainability>.

53 Kristalina Georgieva, Tobias Adrian, International Monetary Fund Blog, Public Sector Must Play Major Role in Catalyzing Private Climate Finance: Climate change is one of the most critical macroeconomic and financial policy challenges that IMF members face in coming decades, 18 August 2022, <https://www.imf.org/en/Blogs/Articles/2022/08/18/public-sector-must-play-major-role-in-catalyzing-private-climate-finance>; UNDP, How UNDP catalyzes innovative public-private partnerships that reduce carbon emissions 8 February 2023, <https://www.undp.org/energy/blog/how-undp-catalyzes-innovative-public-private-partnerships-reduce-carbon-emissions>.

54 Rishikesh Ram Bhandary, National climate funds: a new dataset on national financing vehicles for climate change, Climate Policy, Vol 22, 2022, Issue 3, <https://www.tandfonline.com/doi/full/10.1080/14693062.2022.2027223>.



Image: Solomon Islands. Photo credit: Beni Knight

39. International partnerships can also play a role in developing the capacity of countries to develop climate financing. The Indonesia Climate Change Trust Fund was initially a capacity building programme supported and managed by UNDP until the Indonesian government introduced legislation to enable the Ministry of Planning to host this fund on its own.⁵⁵
40. Recent studies have shown the clear benefits of national climate funds, including:
- » Helping to fill capacity gaps and enabling countries to eventually formulate specialized policy instruments;
 - » Suitability of climate funds to make targeted interventions such as reaching marginalized communities in ways that the regular government machinery cannot; and
 - » Ability of climate funds to meet growing calls for devolving decision-making from the boards of multilateral funds and agencies down to national and local levels.⁵⁶
41. The various funding mechanisms could be used in combination, depending on the country's specific legal, economic, and political contexts. It would be vital for the Ministry's mission and operations to be transparent and accountable, ensuring that all funds are used effectively to address climate displacement. Furthermore, it would be important to balance the urgency of addressing climate displacement with fairness, ensuring that the financial burden does not fall disproportionately on those least able to bear it.

II. Coastal Planning

42. Newly established CDM would play a pivotal role in overseeing logistical and technical responses to coastal planning, given the increasing challenges posed by climate change and its impact on coastal areas and blue economies. CDM would bring together expertise from various fields to formulate comprehensive strategies to address the complexities of coastal planning in the context of climate displacement. These would include:

1. Data Collection and Analysis: Climate displacement ministries would coordinate efforts to collect and analyse relevant data on climate change projections, sea-level rise, storm surge patterns, and vulnerable coastal areas, such as has already begun in Tonga, Samoa, Vanuatu and Papua New Guinea.⁵⁷ This data-driven approach would

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ UNFCCC, Mapping Exposure to Sea Level Rise | Tonga, Samoa, Vanuatu and Papua New Guinea, <https://unfccc.int/climate-action/momentum-for-change/ict-solutions/mapping-exposure-to-sea-level-rise>.

form the foundation for evidence-based decision-making in coastal planning.

2. Risk Assessment and Vulnerability Mapping: By collaborating with scientific experts, these ministries would conduct risk assessments and vulnerability mapping to identify areas most susceptible to climate impacts and potential displacement. This information would guide the prioritization of interventions and allocation of resources.

3. Stakeholder Engagement: Climate displacement ministries would foster collaboration among various stakeholders, including local communities, environmental organizations, urban planners, and infrastructure experts. Engaging with coastal communities is vital to ensure that their needs, concerns, and traditional knowledge are incorporated into planning decisions.

4. Integrated Coastal Management: The ministries would promote integrated coastal management approaches that consider ecological conservation, sustainable development, and disaster risk reduction. This would include infrastructure resilience through ministry oversight of resilient coastal infrastructure development that could withstand the impacts of climate change, such as sea walls, flood barriers, and nature-based solutions like mangrove restoration.⁵⁸

5. Climate-Responsive Zoning: Implementing climate-responsive zoning regulations would be another key responsibility. This would involve designating vulnerable coastal areas for specific uses, avoiding construction in high-risk zones, and promoting sustainable land-use practices. It could also involve designating Green Zones in cities to promote clean energy, improve air quality, create sustainable, affordable housing, and support economic growth through land-use policies informed by community voices, as has been trialled in Minneapolis, USA.⁵⁹

6. Policy Formulation: Climate displacement ministries would work towards formulating policies and guidelines that align coastal planning with broader climate adaptation and mitigation efforts. They would ensure that climate-induced migration is integrated into national and regional development plans.

By taking a comprehensive approach and coordinating both logistical and technical responses, newly created climate displacement ministries can help pave the way for adaptive and sustainable coastal planning, safeguarding vulnerable communities from the adverse impacts of climate change while fostering long-term resilience.

58 European Environment Agency, Integrated Coastal Zone Management, <https://www.eea.europa.eu/help/glossary/eea-glossary/integrated-coastal-zone-management>.

59 Gabi Velasco, Oriya Cohen, Housing Matter, Three Ways Zoning Can Advance Housing and Climate Justice, 2 March 2022, <https://housingmatters.urban.org/articles/three-ways-zoning-can-advance-housing-and-climate-justice>.

III. Security of Tenure

43. Newly created climate displacement ministries would play a vital role in addressing the challenges posed by climate displacement, ensuring security of tenure for climate displaced individuals, and safeguarding their HLP rights in accordance with international law and principles.
44. CDMs would advocate for climate displaced persons within the government framework and liaise with land departments to establish clear guidelines and protocols to protect HLP rights, emphasizing the need for non-discriminatory measures. Ministries could develop and implement policies that grant secure tenure to climate displaced communities, providing them with legal recognition and protection of their rights to land and housing.
45. CDMs would work in tandem with land departments to identify suitable and sustainable areas for resettlement or relocation and for land bank identification. They would ensure that international principles, such as the Peninsula Principles, are followed, respecting the rights and preferences of affected communities. The ministries would prioritize participatory processes, involving climate displaced individuals in decision-making regarding land use and allocation.
46. To guarantee the enforcement of HLP rights, CDMs would need to collaborate with land and cadastre authorities, as well as informal land management systems authorities in customary systems, to strengthen institutional frameworks. By streamlining coordination and information sharing, the ministries could enhance the efficiency of land administration, reduce bureaucratic barriers, and facilitate timely resolution of land disputes and tenure-related issues faced by displaced populations.
47. In addition, these ministries would actively seek international cooperation and assistance to address the technical and financial challenges of providing secure tenure for climate displaced persons. They could engage with UN agencies and development partners to secure funding for land-related programs and projects, ensuring the realization of HLP rights in line with international law.

IV. International Representation

48. At the time of writing, Parties to the United Nations Framework Convention on Climate Change (UNFCCC) were meeting in Bonn, Germany, to discuss decisions for adoption at COP28 in December 2023. Following the decision to establish a Loss and Damage fund for vulnerable countries, negotiations regarding the operationalisation of this fund will dominate the agenda of the Bonn Climate Change Conference. As the

Transitional Committee works on the operationalisation of the Loss and Damage Fund for consideration and adoption at COP28 in Dubai in late 2023, it is important to ensure displacement is recognised as a priority for loss and damage funding and that displaced people will have access to the Fund to restore their lives and livelihoods.⁶⁰ These are the very negotiations which provide an appropriate forum for what could become a regular gathering of all of the world's Climate Displacement Ministers. Such a presence would enable these ministers to collectively argue for a range of issues like including land as a primary concern in climate negotiations, to present research on climate displacement to shape discussions on impacts, as well as lobby for access to funding through the Loss and Damage Mechanism.⁶¹

V. Climate Insurance

49. Managing a government-funded climate insurance scheme would be an essential function for a new CDM. The Ministry would need to work closely with experts from the insurance industry, environmental scientists, and policy analysts to design an effective, equitable, and comprehensive climate insurance scheme. This policy should be structured to cover various climate-related risks, such as property damage due to extreme weather events, crop failures due to unpredictable climate shifts, and losses from forced displacement.
50. Private insurance companies are increasingly reluctant to offer insurance in relation to climate threats and this is where public sector investment needs to provide a security net for those communities affected by climate threats. The US government through the Federal Emergency Management Agency has been offering insurance in this regard for decades, and other governments should follow suit.⁶²

60 Alice Baillat, Internal Displacement Monitoring Centre, Seizing The Opportunity To Address Disaster Displacement In The Loss & Damage Discussions, June 2023, <https://www.internal-displacement.org/expert-opinion/seizing-the-opportunity-to-address-disaster-displacement-in-the-loss-damage>.

61 United Nations Climate change, Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM), Functions of the Loss and Damage Mechanism, 3. Enhancing action and support, including finance, technology and capacity-building, to address loss and damage associated with the adverse effects of climate change, to enable countries to undertake actions, pursuant to 3/CP.18 (para. 6) including by: "...Facilitating the mobilization and securing of expertise, and enhancement of support, including finance, technology and capacity-building, to strengthen existing approaches and, where necessary, facilitate the development and implementation of additional approaches to address loss and damage associated with climate change impacts, including extreme weather events and slow onset events", https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism#__Enhancing-action-and-support-including-finance-technology-and-capacity-building-to-address-loss-and-damage-associated-with-the-adverse-effects-of-climate-change-to-enable-countries-to-undertake-actions-pursuant-to-3-CP18-para-6-including-by.

62 United States Government Federal Emergency Management Agency, Flood Insurance, National Flood Insurance Program, <https://www.fema.gov/>.

51. A key task would be setting appropriate premiums and timely and reliable payouts. Premiums would need to be affordable to ensure widespread uptake, especially amongst vulnerable populations who are most at risk. The Ministry would also need to ensure that payouts are adequate to cover the costs of climate-related damages.
52. The Ministry would also be responsible for marketing the scheme and educating the public about its benefits, in line with the Peninsula Principles. This would require collaboration with local governments, community organizations, and potentially private insurance companies.
53. Managing claims would be another crucial responsibility. The CDMs would need to establish a robust system for verifying claims, assessing damage, and distributing payouts. This system must be transparent, efficient, and fair to maintain public trust.⁶³
54. The CDM would also need to continually monitor and evaluate the scheme. By tracking data on payouts, policy uptake, and customer satisfaction, the Ministry could identify areas for improvement, and adjust the scheme as necessary to better serve the public and adapt to changing climate risks.

VI. Climate Land Banks

55. Creating and managing climate land banks would be a crucial task for all CDMs aiming to resettle climate displaced populations. Coordination with various government departments would ensure successful land bank management. The process would likely begin with the Ministry of Land or equivalent, which could help identify unused, underused, degraded, wasteland or government-owned lands, suitable for development into habitable areas. These lands would then be incorporated into a land bank.
56. Simultaneously, the Ministry would need to engage with environmental departments to ensure the selected lands are environmentally viable and sustainable. Soil testing, ecological surveys, and climate resilience checks would need to be conducted to confirm that the lands can support long-term settlement and not suffer from future environmental issues.
57. The Ministries of Housing and Urban Development would be important partners, involved in planning and constructing sustainable housing solutions on these lands. Plans should incorporate green building practices and climate resilience strategies to provide safe, sustainable housing for displaced populations.

⁶³ United Nations University, Institute for Environment and Human Security, 7 things you need to know about climate risk insurance, 2017, <https://ehs.unu.edu/news/news/7-things-you-need-to-know-about-climate-risk-insurance-2.html>.

58. In addition, coordination with a Ministry of Infrastructure or its equivalent would be required for providing necessary services such as road networks, water supply, electricity, and waste management systems. To ensure economic viability, collaboration with departments overseeing agriculture, industry, or employment would be important. This would ensure the resettled populations have access to livelihood opportunities.
59. Finally, the Ministry would need to cooperate closely with authorities managing housing, land and property cadastres, to transfer appropriate titling to climate displaced persons resettled onto land bank plots, so that secure tenure could result.
60. Clearly, the process would require robust mechanisms for inter-departmental communication and cooperation. The CDM, serving as the coordinating body, would oversee and manage the land bank, ensuring each department's work aligns with the overall mission of preventing climate displacement, but also ensuring that all the requirements of the rights to land, property and specifically the right to adequate housing are made available to climate displaced persons.

VII. Diagnostics, Research and Information Sharing

61. A Climate Displacement Ministry would ideally become a hub of diagnostics, research, and information sharing to effectively address climate-induced displacement. These components would help create effective policies, contribute to public awareness, and facilitate collaboration with local, national, and international partners.
62. Diagnostics involves identifying the underlying causes, current status, and projected trends of climate displacement. This would be handled by a dedicated research and analysis department within the Ministry. This department would collect and analyse data on climate patterns, displacement trends, and the effectiveness of current policies and strategies. It might work closely with other departments such as meteorology, environment, and land management, along with academic and research institutions, to access relevant data and expertise.
63. Research, on the other hand, would delve deeper into issues related to climate displacement, exploring new strategies for mitigation and adaptation. It would also examine the social, economic, and psychological impacts of displacement on affected communities. This work could be carried out through partnerships with universities and research institutions.
64. Information sharing is essential to communicate the Ministry's findings to other governmental bodies, non-governmental organizations, affected communities, and the general public. This could be managed by a communication department within the Ministry, tasked with disseminating information through various channels such as reports, websites, social media, public meetings, and press releases. This department could also organize training and capacity-building sessions for stakeholders involved in managing climate displacement.

65. Finally, to ensure the effectiveness of these tasks, the Ministry would require robust systems for data management, quality control, and ethical considerations. This would include securing personal data, ensuring accuracy of information, and obtaining free, prior and informed consent when conducting research with displaced communities. By fulfilling these responsibilities, the Ministry could make informed decisions, foster public awareness, and contribute to global knowledge on climate displacement.

VIII. Social Housing and Protection of Tenure for Climate Displaced Persons

66. Addressing the challenges of climate displacement requires a multifaceted approach, especially in the provision of housing. A Climate Displacement Ministry would work in close coordination with the Department of Housing to promote social housing and protection of tenure for climate displaced persons.
67. Firstly, the Ministry could assist the Department of Housing in identifying areas experiencing or expected to face significant climate displacement. Based on climate change data and predictive modelling, they could help forecast potential displacement hotspots. This information would guide the Department of Housing in planning and prioritizing their housing projects.
68. Secondly, they could jointly develop and promote social housing programs, specifically designed for climate displaced persons. These initiatives could provide affordable, climate-resilient housing options in safer areas, thereby reducing the vulnerability of displaced individuals and families. The Ministry could offer guidance on climate-proofing these constructions, ensuring they are equipped to withstand future climate impacts.
69. The Climate Displacement Ministry and Department of Housing could also collaborate on policy-making for tenure protection. They could develop legal and regulatory frameworks that prevent forced evictions and land grabbing, which often affect displaced communities. These laws could ensure that resettled individuals receive formal tenure rights, protecting them from future displacement. This type of collaboration will be essential in those countries facing the prospects of growing peri-urban slums which are likely to attract climate displaced persons in the near future.
70. Furthermore, CDMs could implement participatory planning processes, involving displaced communities in decision-making regarding housing and resettlement plans. This approach ensures the solutions are culturally appropriate and meet the specific needs of the displaced populations, in line with the element of cultural adequacy within the right to adequate housing.
71. Lastly, both entities could collaborate in capacity building initiatives, such as training local governments and community leaders on climate displacement issues and social housing management. This would foster a more inclusive and efficient response to climate displacement at the local level.





AFTER THE DELUGE

Location: Khulna, Bangladesh



Photo credit:
Kadir van Lohuizen/NOOR

72. Through these collaborative efforts, a Climate Displacement Ministry and Department of Housing or equivalent could work together to provide secure, sustainable housing solutions for those displaced by climate change.

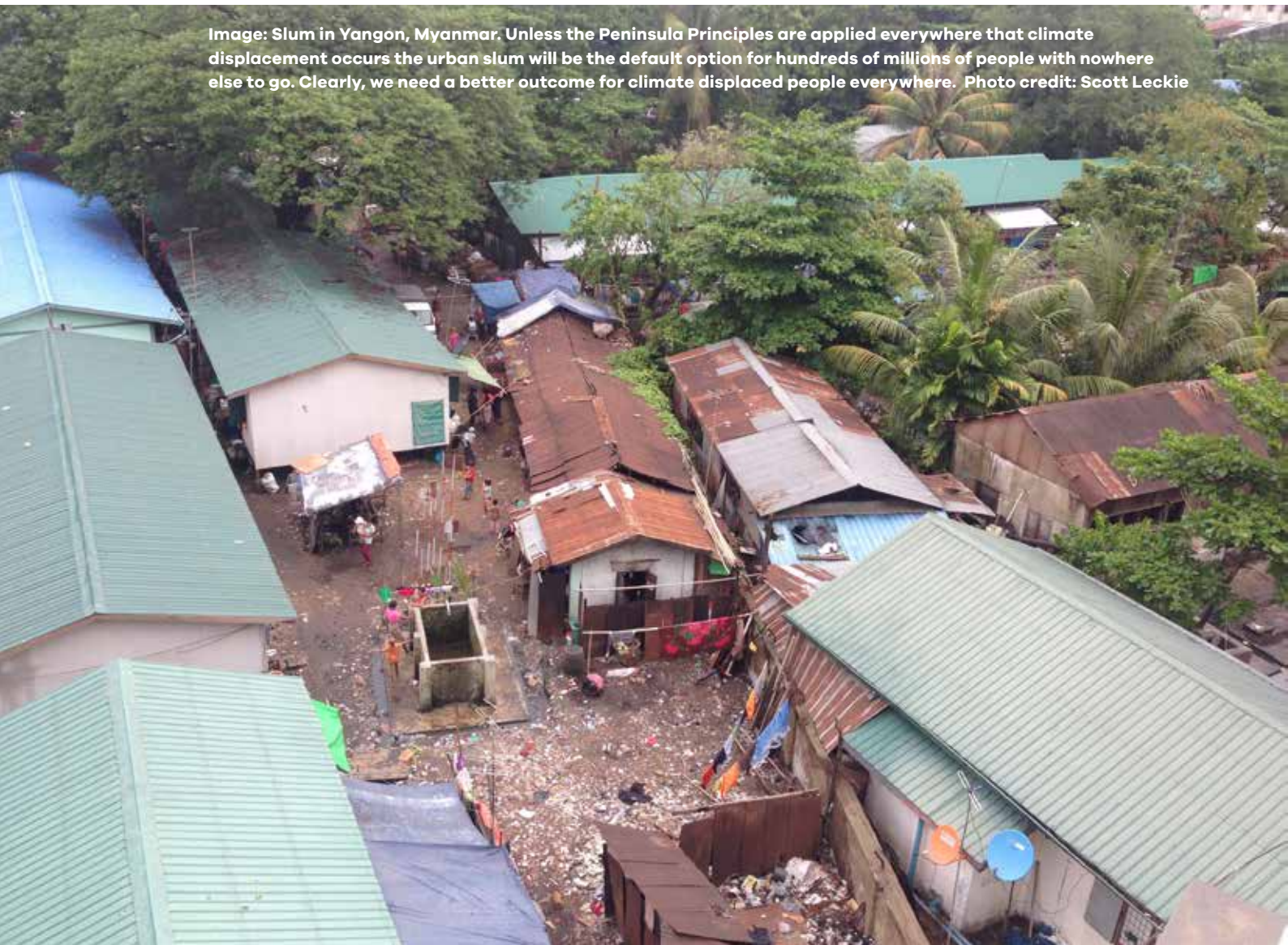
IX. Interface with UN, Academia

73. The Ministry could work closely with relevant United Nations agencies such as the United Nations High Commissioner for Refugees (UNHCR), UN Migration (IOM), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Framework Convention on Climate Change (UNFCCC). These organizations possess a wealth of knowledge and resources that can be invaluable for understanding and addressing climate displacement.
74. Regular consultations and joint initiatives with these agencies could help the Ministry align its actions with international norms and best practices, particularly those around the protection of HLP rights in displacement. Additionally, participating in UN-led climate forums and conferences would allow the Ministry to contribute to global dialogues on climate displacement, share its experiences, and learn from others.
75. The Ministry could also seek technical and financial support from international mechanisms such as the Green Climate Fund and the Global Facility for Disaster Reduction and Recovery which provide funding and expertise to help countries adapt to climate change and manage climate-related risks, including displacement.
76. Partnerships with academia would be essential for underpinning the Ministry's work with robust research and evidence. Universities and research institutions could provide critical insights into the causes, impacts, and potential solutions to climate displacement. They could also help evaluate the effectiveness of the Ministry's initiatives.
77. The Ministry could commission research projects, organize joint conferences and workshops, and facilitate exchanges of staff and students. It could also use academic networks to disseminate its findings and learn from international experiences. Through such partnerships with UN agencies, international mechanisms, and academia, the Climate Displacement Ministry could enhance its capacity, effectiveness, and credibility in addressing the complex challenges of climate displacement. This would ultimately contribute to a more sustainable, resilient, and equitable future for those affected by climate displacement.

V. Conclusion

78. As we pass the ten-year milestone of the Peninsula Principles on Climate Displacement Within States, it is evident that their relevance has never been greater. The increasing frequency of extreme weather events and the relentless impact of climate change have triggered mass displacements worldwide, making the Principles a crucial framework for guiding climate displacement strategies. This report has delved into the ongoing efforts to address climate displacement, assessing compliance with the Peninsula Principles and identifying areas where improvements are needed.
79. The analysis shows that various countries, including the United States, Canada, Pacific Island nations, and Bangladesh have implemented diverse climate displacement mitigation strategies. However, not all the Peninsula Principles have been uniformly put into practice. Notably, the lack of comprehensive, legally enforceable policies protecting the rights of climate displaced persons, the fragmentation of responsibilities among different government departments and the lack of titling and tenure security for climate displaced persons have emerged as significant gaps.
80. To address these deficiencies and move forward with a more cohesive and urgent approach, Displacement Solutions proposes the establishment of dedicated Climate Displacement Ministries in each country. These ministries would serve as the focal point for climate displacement mitigation, ensuring streamlined coordination, and fostering cross-departmental collaboration. By centralizing responsibility, they would enhance the effectiveness of climate displacement strategies, aligning them more closely with the Peninsula Principles.
81. A paramount objective of such Climate Displacement Ministries would be to champion the rights and welfare of climate displaced persons. They would advocate for the implementation of legally binding policies that provide a robust framework for protecting vulnerable communities. By embracing a comprehensive approach, these ministries would not only ensure the welfare of displaced populations but also contribute to national and global resilience in the face of climate change.
82. As we reflect on the progress made in implementing the Peninsula Principles, it becomes evident that a more systematic and coordinated response is urgently required. The creation of dedicated CDMs could mark a transformative step towards achieving this goal. The urgency cannot be overstated; climate-induced migration is an unfolding crisis that demands swift and decisive action.

Image: Slum in Yangon, Myanmar. Unless the Peninsula Principles are applied everywhere that climate displacement occurs the urban slum will be the default option for hundreds of millions of people with nowhere else to go. Clearly, we need a better outcome for climate displaced people everywhere. Photo credit: Scott Leckie



83. The Peninsula Principles on Climate Displacement Within States have proven their value and utility as a beacon of good practice and an essential anchor for climate change adaptation and mitigation. However, it is essential to close the implementation gaps that exist and embrace a more comprehensive and rights-protective approach. The establishment of Climate Displacement Ministries in each country would serve as a powerful catalyst for progress, safeguarding the rights of climate displaced persons and forging a path towards a more resilient and sustainable future for all. The time to act is now. The fate of millions of climate displaced individuals depends on it.

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Annex 1: Country Compliance with the Peninsula Principles in Climate Displacement Mitigation and Adaptation Strategies

The tables below summarise some of the efforts made by countries across diverse geographical regions, all threatened by climate change displacement. Their activities are broken down to coincide with the four temporal sections of the Peninsula Principles outlined above, namely:

1. General Obligations

2. Climate Displacement Preparation and Planning

3. Displacement

4. Post-Displacement and Return

The activities of governments are also outlined to highlight that some principles remain more frequently implemented than others, that gaps in implementation remain, and that climate ministries are best placed to remedy these lagging areas of implementation.

BANGLADESH	
Activity	Principle
Policy	7(a) – Incorporation of climate displacement provisions in domestic policy
Nationally Determined Contribution Plan	7(b) – mechanisms at all levels of government (local, regional and national)
Mujib Climate Prosperity Plan	to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation.
National Adaptation Plan of Bangladesh (2023 – 2050)	7(c) - durable solutions to climate displacement are adequately addressed by legislation and other administrative measures
National Strategy on Internal Displacement Management	7(e) – Rights consistent legislation
Implementation	16 – Remedies and Compensation
Bangladesh Climate Change Trust Fund (BCCTF)	
Disaster risk reduction strategies, early warning systems, and neighbourhood-based disaster preparedness initiatives	9(a) – Implementation of risk management strategies, including risk reduction

BANGLADESH	
Activity	Principle
Climate Change Research	9(d) – Climate change modelling
Community Consultation	10 (e)(i) – Active community participation and input into decision-making

CANADA	
Activity	Principle
Policy National Adaptation Strategy	7(a) – Incorporation of climate displacement provisions in domestic policy 7(c) - durable solutions to climate displacement are adequately addressed by legislation and other administrative measures 7(e) – Rights consistent legislation
Implementation Mechanisms Ministry of Environment and Climate Change	7(b) – mechanisms at all levels of government (local, regional and national) to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation.
Adaptation Funding	6 (a) – Provision of Adaptation Assistance
Constructing Resilient Infrastructure	9(a) – Implementation of risk management strategies, including risk reduction
Flood Mapping	9(d) – Modelling likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;
Flood Insurance	16 – Remedies and Compensation

FIJI	
Activity	Principle
Policy National Climate Finance Strategy Planned Relocation Guidelines 2018	7(a) – Incorporation of climate displacement provisions in domestic policy
Implementation Mechanisms Ministry of Economy (MoE) is Fijis National Designated Authority (NDA) to the Green Climate Fund	7(b) – Mechanisms at all levels of government (local, regional and national) to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation

FIJI	
Activity	Principle
Relocations	9(a) – Implementation of risk management strategies, including risk reduction
Community engagement and participation	10 (e)(i) – Active community participation and input into decision-making
Infrastructure in New Locations	6 (a) – Provision of Adaptation Assistance
Resilience	9(d) – Modelling likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;

PANAMA	
Activity	Principle
Community Consultation	10 (e)(i) – Active community participation and input into decision-making
Climate Change Research	9(d) – Climate change modelling
Disaster risk reduction strategies, early warning systems, and neighbourhood-based disaster preparedness initiatives	9(a) – Implementation of risk management strategies, including risk reduction
Adaptation/Resilience	6 (a) – Provision of Adaptation Assistance
Provision of land and infrastructure in resettlement areas	<p>7(b) – Mechanisms at all levels of government (local, regional and national)</p> <p>to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation</p> <p>9(a) – Implementation of risk management strategies, including risk reduction</p> <p>9(d) – Modelling likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;</p>

TUVALU	
Activity	Principle
Policy	7(a) – Incorporation of climate displacement provisions in domestic policy
Disaster Risk Reduction Strategy National Climate Change Policy	7(c) – durable solutions to climate displacement are adequately addressed by legislation and other administrative measures
National Strategic Plan for Climate Change and Disaster Risk Management National Migration Policy	7(e) – Rights consistent legislation
Implementation Mechanisms	7(b) – mechanisms at all levels of government (local, regional and national)
Department of Climate Change	to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation.
Climate Change and Disaster Policy Unit	
Disaster Risks Reduction	9(a) – Implementation of risk management strategies, including risk reduction
Adaptation Funding (GCF/UNDP)	6 (a) – Provision of Adaptation Assistance
Survival Fund (TSF)	
Constructing Resilient Infrastructure	9(a) – Implementation of risk management strategies, including risk reduction
Tuvalu Coastal Adaptation Project	9(d) – Modelling likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;

VANUATU	
Activity	Principle
<p>Implementation Mechanisms</p> <p>Ministry of Climate Change Adaptation (MoCCA) through Vanuatu's National Designated Authority (NDA)</p> <p>Department of Climate Change with Accredited Entities (AE)</p>	<p>7(b) – Mechanisms at all levels of government (local, regional and national) to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation</p>
<p>Policy</p> <p>Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030</p>	<p>7(a) – Incorporation of climate displacement provisions in domestic policy</p> <p>7(c) - durable solutions to climate displacement are adequately addressed by legislation and other administrative measures</p> <p>7(e) – Rights consistent legislation</p>
<p>Adaptation/Resilience</p> <p>Climate Change Adaptation, the Climate Change in the Coastal Zone in Vanuatu (VCAP 2)</p> <p>Vanuatu Climate Change Resilience Project (VCCRP)</p>	<p>6 (a) – Provision of Adaptation Assistance</p> <p>7(b) – Mechanisms at all levels of government (local, regional and national)</p> <p>to implement policy and give effect to provisions through specially earmarked budgetary allocations and other resources to facilitate implementation</p> <p>9(a) – Implementation of risk management strategies, including risk reduction</p> <p>9(d) – Modelling likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;</p>

Annex 2: The Peninsula Principles on Climate Displacement Within States

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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:

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;
- b. address climate displacement within a State and not cross-border climate displacement; and
- c. 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 Intergovernmental 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.
- b. 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.
- c. 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. States should immediately establish and provide adequate resources for equitable, timely, independent and transparent procedures, 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.

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

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; and
 - (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.

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.**



Rue des Cordiers 14, 1207 Geneva, Switzerland
Info@displacementsolutions.org

www.displacementsolutions.org