

Exploring the Rights of Climate Displaced Persons

By

Scott Leckie and Shaun Butta

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This book first published 2025

Ethics International Press Ltd, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

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Print Book ISBN: 978-1-83711-142-8

eBook ISBN: 978-1-83711-143-5

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 3(b), Peninsula Principles on Climate Displacement
Within States (2013)

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Foreword

In an era marked by unprecedented environmental challenges, the crisis of climate displacement stands as one of the most urgent and complex issues facing humanity. The increasing frequency and severity of climate-related disasters have forced millions of individuals to flee their homes, creating a growing population of climate displaced persons who face significant threats to their fundamental human rights. Addressing this crisis is not merely an environmental imperative but a profound human rights challenge that demands immediate and comprehensive action.

The Peninsula Principles on Climate Displacement Within States which were proclaimed in 2013 offer a robust framework to better address the climate displacement crisis. These principles provide a detailed set of guidelines that emphasise the protection of the rights of climate displaced persons, focusing on prevention, protection, and durable solutions. By advocating for the implementation of the Principles, we can ensure that the international community adopts a rights-based approach to this pressing issue, prioritising the needs and rights of those most affected by climate change.

This book delves into the multifaceted ways in which law, human rights, and institutional reforms can be harnessed to tackle the myriad challenges posed by climate displacement. The lead author, Scott Leckie, who has carried out over two decades of extensive work and scholarship in this field, along with his distinguished colleague Shaun Butta, brings unparalleled expertise and insight to this critical discourse. Their efforts, rooted in their pioneering work with Displacement Solutions and innovative academic contributions, lay the groundwork for transformative change.

Among the critical topics addressed in this book is the necessity for all governments to establish national climate displacement ministries. Such ministries would be pivotal in implementing laws and policies specifically designed to protect climate displaced communities. Additionally, the book explores the intricacies of land law and policy improvements, essential for providing sustainable and just solutions for those uprooted by climate impacts.

The urgency of the climate displacement crisis cannot be overstated. As the impacts of climate change intensify, the number of climate displaced persons will continue to rise, necessitating immediate and sustained action from all sectors of society. This book serves as a crucial resource for policymakers, legal practitioners, scholars, and activists, equipping them with the knowledge and tools needed to advocate for and implement effective solutions.

Addressing the climate displacement crisis is crucial not only for the immediate needs of those affected but for upholding human dignity and justice. The Peninsula Principles provide a comprehensive framework that emphasises the protection of rights and the pursuit of equitable solutions, but they also remind us of our shared responsibility to act with empathy and urgency, advocating for proactive measures and global solidarity.

Personally, I have been a strong advocate, supporter, and admirer of how the Principles have been applied to assist real people facing real climate challenges around the world over the past years, witnessing firsthand the positive impact they can have in addressing the climate displacement crisis.

The Principles challenge us to consider the broader implications of our actions and the importance of justice in our response. By following these guidelines, we can ensure that climate displaced persons are treated with fairness and respect, and that their voices are heard.

The authors offer a vital roadmap for addressing climate displacement and promoting resilient and inclusive communities. This book serves as an essential resource, guiding us towards a future where the rights and dignity of all individuals are safeguarded in the face of climate challenges. I strongly recommend this book to anyone interested in understanding and addressing the complexities of climate displacement.

Morges, April 12, 2025

André Hoffmann
Vice Chairman, Roche

Acknowledgements

This book addresses how to better protect the rights of climate displaced persons, the core area of work by Displacement Solutions since its founding in 2006. We would like to first acknowledge the thousands of people across the world with whom those of us at Displacement Solutions have worked and the ever-deepening understanding and insights they have provided of the reality of climate displacement and how to better protect those subjected to this growing global crisis. For the past two decades, Displacement Solutions has worked with communities in more than thirty countries, each struggling in their own ways to defend themselves and their lands and homes from the ever-worsening scourges of climate change. Among other activities Displacement Solutions was the first global NGO to: Negotiate a land deal in support of climate displaced communities (Carteret Islanders to Bougainville, Papua New Guinea, 2007); Design and teach a law school course on human rights and climate change (Australian National University, 2008); Develop national housing, land and property (HLP) rights initiatives to repair climate displacement (Bangladesh, 2011); Develop a new international standard on the HLP rights of climate displaced communities (Peninsula Principles on Climate Displacement Within States (2013)); Research and publish books, findings and recommendations on land solutions to climate displacement (2014); Construct an interactive online global climate displacement map (2016); Manage a programme to build homes for highly vulnerable climate displaced families in Bangladesh (2016 - ongoing); Propose and design the idea of national climate land banks as a tool to prevent and reduce climate displacement (2018); Propose and design the idea of climate displacement havens (2020); and Call for a global climate displacement levy (2022). Each of these and other actions were specifi-

cally designed to better protect the rights of climate displaced persons in all countries.

One of the key initiatives led by Displacement Solutions was conceiving of and coordinating the eventual approval of one of the first international normative frameworks elaborating the rights of climate displaced persons under existing international human rights and humanitarian law. Since their adoption by a group of climate displacement experts, international lawyers, UN officials, judges and other climate change scholars on 18 August 2013, the Peninsula Principles on Climate Displacement Within States have had a major impact in the development of law, policy, jurisprudence, civil society demands and other actions addressing climate displacement. The subject of several books and translated into fifteen languages and distributed widely, the Principles have been repeatedly referred to at the UN and other organs of the international community as a leading normative source of guidance for governments and civil society seeking to prevent and address climate displacement.

The Principles comprise 18 fundamental principles which address three time-frames relating to the residential circumstances of people affected by climate change – pre-displacement, mid-displacement and post-displacement. Each of these phases are addressed in terms of pre-existing international human rights laws. What sets the Principles apart from other documents providing guidance on climate displacement issues are their focus on assisting governments to better protect the housing, land and property (HLP) rights of people and communities affected by climate displacement. Moreover, they seek to empower these same populations to formulate their demands for climate justice in ways fully consistent with their rights under human rights law and the obligations incumbent on governments to respect, protect and fulfil those rights.

However, despite these important steps forward at so many levels, the problem of climate displacement has only worsened in recent years. No one knows precisely how many people and households have been displaced thus far because of the many effects of climate change, but what can be stated with confidence is that these numbers are growing and will continue to grow with each passing year as climate conditions deteriorate in more and more locations. Clearly, much remains to be done and it is our sincere hope that this book will generate increased attention to this problem and inspire new and innovative actions to better prevent climate displacement and protect the full spectrum of rights for everyone already displaced or threatened with climate displacement into the future.

The contents of this book emerged from our work on the frontlines of climate displacement, and more specifically a major three-year project by Displacement Solutions commemorating ten years since the proclamation of the Peninsula Principles which was generously financially supported by André Hoffmann to whom we give our sincere thanks and gratitude. Thank you, as well, André, for your excellent foreword above which accurately sets the tone for the chapters that follow. We are also grateful to the Displacement Solutions Board of Directors – Matthias von Hein, Robert Zoells, and Andrew Clapham for their ongoing support towards the work of the organisation.

The materials in this book were originally developed in a series of papers and reports issued by Displacement Solutions and include efforts by the two authors, as well as Viraaj Akuthota and other experts to whom we are deeply appreciative. The project also involved the convening of a range of regional webinars on climate displacement themes and we would like to thank the many participants in these gatherings which provided deeper understanding of the climate displacement issue where it matters most. One of these webinars brought together most of the original drafters of the Peninsula Principles and we would

again like to thank all of them for providing their expertise and legal skills in the drafting and approval of this important text.

Two excellent filmmakers directed two extraordinary films, *Strato* (directed by Skye Fitzgerald) and *Alaa* (directed by Preethi Nallu) within the project of which this book is a part and we are extremely grateful to them for directing such meaningful films revealing to the broader world just how severe the climate crisis is already.

Beyond our work on climate displacement at the legal and other levels, we try as much as we can to make a significant difference in the lives of real people who have been negatively affected by climate change. To do so, we established the One House, One Family at a time project (OHOF) in Bangladesh with our wonderful partners Young Power in Social Action (YPSA). We have raised the funds thus far under OHOF to build 16 lifelong high quality new homes for highly vulnerable climate displaced families in some of Bangladesh's more climate-threatened areas. The funds raised for these homes come entirely from small-scale donors and if you would like to make a concrete difference in helping to repair climate displacement, we encourage everyone reading this book to consider supporting the construction of future OHOF homes by making a contribution towards this project.¹

Finally, we would like to thank Klaus, Sarah, Ben, Nina, and Alex from Ethics Press for their kind and generous support in making this book possible, thank you!

Scott Leckie & Shaun Butta

4 May 2025

¹ All information on OHOF can be found on www.displacementsolutions.org.

Section One

Tackling Climate Displacement: Progress to Date

Chapter 1

Introduction

Behind the bigger picture of climate change and the obvious damage to ecosystems, there lies a less visible, but rapidly growing threat to human security; climate change-induced displacement. Climate displaced persons and their rights, particularly their housing, land and property (HLP) rights, are the topic of this book. Based on current projections, climate displaced persons, or CDPs as they will be referred to in this book, will in coming decades vastly outnumber refugees and internally displaced persons (IDPs), as the world's largest displaced populations.

This book explores the nature, size, and impact of the unprecedented, forced movements of humanity in response to climate impacts on urban and rural life across the planet and what measures have (and have not) been put in place to protect the rights of those affected. It looks at what has been done historically in response to protect the rights of those driven into displacement by factors such as conflict, and how the international community and individual governments have failed to prioritise and protect the HLP rights of those displaced populations. Following an analysis of these responses and their failures thus far in Section One, the chapters which follow in Section Two attempt to provide a range of forward-thinking solutions to the enormous challenges which are already emerging from climate-induced displacement, through the use of innovative legal, policy and institutional tools.

One such tool that will be frequently referenced in the pages that follow are the Peninsula Principles on Climate Displacement Within States (the Peninsula Principles). The Principles provide a clear normative framework outlining the rights of climate displaced persons under

existing international law and were approved by a high-level panel of legal experts on 18 August 2023. 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 ground-breaking framework detailed within the Principles provides guidance for national governments and the international community on how to better protect people displaced within their own countries due to climate change impacts. As the world grapples with the intensifying effects of climate change and insufficient action to reduce CO₂ and other emissions², the relevance of the Peninsula Principles and their contents has significantly increased. This is evidenced, for instance, by their inclusion as a key policy instrument in a major United Nations report by 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.³

Inadequate action on emission reductions and the collective failure to fully confront the human consequences of climate change clearly indicates that the situation is going to get worse before it gets better, despite the many positive efforts across the world to address it.⁴ Box

² 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>.

³ 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.

⁴ A 2022 report indicated that current commitments on emissions would

1 below highlights a mere fraction of the increasingly destructive weather events recorded in 2024 alone, which in full accounts for losses of thousands of lives and billions of dollars in infrastructure and agricultural losses worldwide.

Box 1 *Extreme Weather Events 2024*

Flooding in West and Central Africa: Torrential rains in 2024 devastated West and Central Africa—especially in Chad, Nigeria, Mali, and Niger—claiming over 1,000 lives, displacing millions, and severely damaging critical infrastructure such as dams and bridges.⁵

Cyclone Chido (SouthWest Indian Ocean): Intense Tropical Cyclone Chido wreaked havoc across regions including Mayotte and Mozambique in 2024, killing at least 172 people, destroying tens of thousands of homes, and causing over \$3.9 billion in economic losses.⁶

Hurricane Beryl (Atlantic Basin): The recordshattering Hurricane Beryl, the fastest intensifying June hurricane and earliest Category 5 storm ever recorded, battered the U.S. Gulf Coast and Caribbean in 2024, causing billions in damage and 73 fatalities as vital infrastructure collapsed.⁷

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 Olivia Land, New York Post, Deadly flooding in Africa leaves corpses of crocodile, snakes floating among human bodies, 20 September 2024, <https://nypost.com/2024/09/20/world-news/deadly-flooding-in-africa-leaves-corpses-of-crocodile-snakes-floating-among-human-bodies/>.

⁶ Reliefweb, Cyclone Chido has devastated Mayotte and Mozambique, 24 December 2024, <https://reliefweb.int/report/mozambique/cyclone-chido-has-devastated-mayotte-and-mozambique>.

⁷ Reliefweb, Cyclone Chido has devastated Mayotte and Mozambique, 24 December 2024, <https://reliefweb.int/report/mozambique/cyclone-chido-has-devastated-mayotte-and-mozambique>.

Storm Darragh (Ireland): Storm Darragh tore through Ireland in 2024 with gusts up to 141 kph, leaving nearly 450,000 homes without power, causing widespread transport disruptions—including cancelled flights, a bus crash, and an evacuated wedding—and inflicting extensive damage to electrical and communication networks.⁸

Despite mounting evidence that urgent structural action is required, international commitments to reduce greenhouse gas emissions have been lacking in ambition and implementation.⁹ The 2015 Paris Agreement, while a crucial step, has not (yet) been adequately implemented by many nations, even as CO₂ emission levels and global temperatures both rise ever further with each passing year. Political obstacles, economic considerations, the obstinance of the fossil fuel industry and competing governmental priorities have hindered progress in curbing emissions, perpetuating the cycle of climate change, exacerbating its effects and increasing the likelihood of climate displacement.¹⁰

⁸ Nicolas Bardon, The Irish Sun, Darragh Devastates 450K homes without power, 141kph gusts, cancelled flights, bus crash and an evacuated wedding during Storm Darragh chaos, 7 December 2024, <https://www.thesun.ie/news/14324873/450k-without-power-bus-crash-storm-darragh-damage/>.

⁹ 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>.

¹⁰ 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>.

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 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 displaced persons and upholding their rights, the Peninsula Principles contribute to the development of just and equitable responses to this ever-worsening global crisis.

While the Global North (which bears most of the 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-based responses of several nations are highlighted in this chapter, along with an examination of 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 CDPs across the globe.

The Principles as an International Guiding Framework

In the twelve 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. The Principles remain the gold standard in addressing the HLP rights of climate displaced populations. Twelve years after their formulation, the Principles remain at the vanguard of international guidance in human-rights consistent responses to the ever-growing climate crisis.

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

The Peninsula Principles are a comprehensive guide for governments to address climate displacement while upholding human rights and promoting fairness. The document is divided into four sections, each focusing on different stages of climate displacement and corresponding government actions. In Section 1 the general obligations on governments are outlined, emphasising prevention of climate displacement, adaptation assistance, and international cooperation. Sections 2, 3, and 4 cover pre-displacement, displacement, and post-displacement phases, respectively. They delve into topics such as preparation and planning for climate displacement, state-based assistance for displaced individuals, and the process of return for those who can go back to their original homes. 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.

Some of the many areas where the Principles have been practically used and applied include the following: National Internal/Climate Displacement Policies: Bangladesh has drawn on the Principles directly to shape their National Strategy on the Management of Disaster and Climate Induced Internal Displacement (NSMDCIID); Panama has used the Principles as a guiding document to design planned relocation and other responses by the Guna indigenous group in the Gunayala archipelago since 2014; Colombia has relied on the Principles to inform responses to the planned relocation process in Gramalote; Fiji used the Principles as a guiding document for the

Fiji Relocation Guideline, Ministry of Foreign Affairs and International Cooperation; Vanuatu's *National Policy on Climate Change and Disaster-Induced Displacement* (2018) was inspired by the approach taken by the Principles; and in Ontong Java Atoll in the Solomon Islands, the Principles were used as the basis for formulating relocation demands by the atoll population.

Similarly, the Principles have been explicitly addressed within a wide range of official international legal, policy and other documents, implying a degree of recognition as to their relevance and authority. These include references in the following: United Nations Framework Convention on Climate Change: cited as *a leading resource* on climate displacement¹¹; 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 practice* frameworks for dealing with climate displacement, Casablanca, 2016¹²; Referred to by UNHCR as *a key strategic framework* to manage climate displacement: Planned Relocation, Disasters And Climate Change: Consolidating Good Practices And Preparing For The Future Report, San Remo, Italy, 12-14 March 2014¹³; Cited in UNESCO report The Impact of Climate Displacement on the Right to Education, Working Papers on Education Policy, 2020; Cited in Rights of Indigenous People in Addressing Climate-Forced Displacement, 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

¹¹ https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/peninsula_principles.pdf.

¹² <https://unfccc.int/topics/resilience/resources/submissions-on-internal-and-cross-border-migration--displacement-and-other-forms-of-human-mobility>.

¹³ www.unhcr.org/54082cc69.pdf.

and Sustainable Environment, et al;¹⁴ Cited prominently in the *Global Mayors Action Agenda on Climate And Migration 2021*, C40¹⁵; Displacement Solutions was awarded the Certificate of Merit of the 2015 UN Sasakawa Award for Disaster Risk Reduction for demonstrating excellence in innovation, collaboration and acting ahead to improve the resilience of nations and communities to disasters under the theme “Shaping the Future”, for our Climate Change and Displacement Initiative of which the Peninsula Principles form a key component.

Civil society and academia have also engaged extensively with the Peninsula Principles. For instance, the Principles have been used as a guiding document by civil society group Young Power in Social Action (YPSA) for YPSA’s long-term housing land and property initiative in Bangladesh¹⁶; Cited in “*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; Used as a key part of the syllabus of Law 5454 on Climate Change and Human Rights at Monash Law School¹⁷; Listed on OCHA’s Reliefweb, the preeminent source of humanitarian resources for practitioners in the field of forced displacement and climate change¹⁸; Cited in “*Negotiating Migration in the Context of Climate Change: International Policy and Discourse*”, Sarah Louise Nash, Ch 7 *Interrogating a Notable Silence: Human Rights and the Migration and Climate Change Nexus*, Bristol University Press 2019¹⁹; Cited in

¹⁴ <http://climatecasechart.com/non-us-case/rights-of-indigenous-people-in-addressing-climate-forced-displacement/>.

¹⁵ <https://www.mayorsmigrationcouncil.org/c40-mmc-action-agenda>.

¹⁶ <https://ypsa.org/bangladesh-housing-land-and-property-hlp-rights-initiative/>.

¹⁷ <https://handbook.monash.edu/current/units/LAW5454>.

¹⁸ <https://reliefweb.int/report/world/peninsula-principles-climate-displacement-within-states-2013>.

¹⁹ <https://bristoluniversitypress.co.uk/negotiating-migration-in-the-context-of-climate-change>;

Universal Rights Group Policy Report, *Human Rights, Climate Change And Cross-Border Displacement: The Role Of The International Human Rights Community In Contributing To Effective And Just Solutions* and McAdam and Limon, *Protecting The Human Rights of Those Displaced in The Context of Climate Change And Disasters*²⁰; Cited in *The Urgent Need to Prepare for Climate Displacement in Myanmar: Establishing a Myanmar National Climate Land Bank*, Displacement Solutions and Ecodev/ALARM (May 2018)²¹; and Cited in Briellen Sands, 'Climate Change Displacement in Fiji: Legal Landscapes in the Face of Rising Tides' in *Journal of South Pacific Law*, 140-163, December 2021. The Principles have also been the core theme of several books, including Scott Leckie and Chris Huggins (eds) *Repairing Domestic Climate Displacement: The Peninsula Principles* (Routledge, 2015)²², and Khaled Hassine, *Handling Climate Displacement* (Cambridge University Press, 2019)²³. Feature documentary films inspired by the Peninsula Principles are currently under production in 2025 and more attention has been given to climate displaced communities than ever before. This is just a partial listing of how the Principles have informed a broad series of actions on climate displacement over the past twelve years.

In many respects the climate displacement field has grown exponentially during the intervening twelve years as the awareness of the severity and almost unimaginable scale of the challenge has become increasingly understood. Climate change case law has expanded

²⁰ <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/>.

²¹ https://issuu.com/displacementsolutions/docs/dis5757_myanmar-national_climate_la.

²² <https://www.routledge.com/Repairing-Domestic-Climate-Displacement-The-Peninsula-Principles/Leckie-Huggins/p/book/9781138064980>.

²³ <https://www.cambridge.org/core/books/handling-climate-displacement/03389E297497D758122057F9C078F9BC>.

exponentially in recent years. NGOs at the local, national, regional and international levels dedicated to protecting the rights of climate displaced persons have flourished. UN and other inter-governmental agencies have initiated specialised programmes and departments focusing on assisting climate displaced persons far better than before. Most governments maintain governmental ministries or at least officials with responsibilities for addressing climate change matters, including displacement and so on.

The following section highlights several country case-studies of proactive preparations and land-based solutions in pre-displacement, displacement and post-displacement contexts. These reveal how various governments have mirrored the guidance provided by the Peninsula Principles and the impact these activities have had on the protection of HLP and other rights in situations of climate displacement.

Compliance with the Principles in International Implementation: Case Studies

Many countries have taken proactive steps by implementing climate displacement mitigation strategies, across Southeast Asia, the Pacific and the Americas. According to recent research, as many as 400 relocation plans have been enacted across the globe in response to climate change effects.²⁴ Some of these strategies have relied directly on the Peninsula Principles for direction, while others have implemented the Principles. These efforts represent the early elements of land- and rights-based policies designed to benefit climate displaced house-

²⁴ Platform on Disaster Displacement (PDD), the Kaldor Centre for International Refugee Law, 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>.

holds and communities. Several of these efforts are summarised in this section to highlight which of the individual Principles are implemented most frequently, what this means for the operationalisation of the Principles, and also to show which gaps and barriers remain.

Bangladesh

Given its highly vulnerable geographical location, Bangladesh has taken on a leadership role in addressing climate displacement. It commenced climate displacement planning two decades ago through the implementation of various centralised policies and strategies, ranging from mitigation and 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.²⁵

Recognising the inevitability of internal climate migration, Bangladesh has focused on preparing receiving cities which will become climate havens and economically benefit from internal migration. For instance, the Asian Development Bank²⁶ is supporting the government's efforts in Mongla, aiming to transform it into a climate haven

²⁵ Tasneem Siddiqui, Md. Ekhtekharul Islam and Tamim Billah, Researching Internal Displacement, policy architecture to address disaster and climate change induced displacement in Bangladesh, 9 March 2023, https://researchinginternaldisplacement.org/short_pieces/policy-architecture-to-address-disaster-and-climate-change-induced-displacement-in-bangladesh/.

²⁶ 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.

through expanded social services and income generation projects.²⁷ This model will be replicated in other coastal towns, with the goal of resettling approximately ten million climate migrants by the early 2030's.²⁸ 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

In 2023, Canada 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 (US\$18bn) annually by 2025. Then 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 2023 wildfires alone released nearly 600 million tonnes of carbon dioxide.

²⁷ 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>.

²⁸ 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 emphasises 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.

Canada has also been plagued by other 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 (\$7.6bn) have been committed since 2015 for adaptation and disaster assistance, with 2 billion Canadian dollars (\$1.5bn) allocated for flood mapping and insurance since 2022.²⁹

Fiji

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 relocation 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.³⁰ Fiji's relocation planning focuses on community engagement and participation, facilitating affected individuals, households and communities to be active players at all stages 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. 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, includ-

²⁹ 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>.

³⁰ Planned Relocation Guidelines: A Framework to Undertake Climate Change Related Relocation, 2018, Ministry of the Economy, Republic of Fiji.

ing the Climate Relocation and Displaced Peoples Trust Fund. This fund provides financial resources to aid in voluntary relocation efforts and to help affected communities adapt to their new environments. It ensures access to basic services, infrastructure, and livelihood opportunities in the relocation areas.

Panama

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, involved 300 families from Gardi Sugdub Island moving in 2023.³¹ 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 under development 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 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 emphasising the importance of cultural preservation.³²

³¹ 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>

³² Id.

Tuvalu

With a total land area of 26sqkm and rising on average 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 organisations and partners to develop and implement appropriate policies and programs like the National Adaptation Plan.³³ 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.³⁴ Additionally, Tuvalu has received assistance from bilateral partnerships and donor countries to implement specific initiatives.³⁵

Vanuatu

Vanuatu leads the world index on countries most exposed to disaster risks as of 2020.³⁶ In response to those risks the government has created

³³ 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>.

³⁴ 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>.

³⁵ 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>.

³⁶ Bündnis Entwicklung Hilft and Ruhr University Bochum – Institute for

of 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, 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.”³⁷

Building on Promising Starts

These country-specific examples show what can be achieved with the political will to proactively plan for, and implement, land- and rights-based solutions for CDPs which protect HLP rights in a manner fully consistent 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. Whilst these efforts represent a promising start, other important elements of the Peninsula Principles appear to be implemented less frequently or have yet to otherwise receive the attention they deserve within adaptation and mitigation strategies. Three of these stand out.

International Law of Peace and Armed Conflict (IFHV), World Risk Report: Focus: Forced Displacement and Migration, 2020, 6.

³⁷ 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>.

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

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 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 Alaska examined elsewhere,³⁸ 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 such as 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, including slums and informal settlements, 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

³⁸ See, for instance: Solving Climate Displacement Through Proactive Land Policy, Displacement Solutions, July 2023, 23.