



## INTERNAL DISPLACEMENT IN THE CONTEXT OF DISASTERS AND THE ADVERSE EFFECTS OF CLIMATE CHANGE

*Submission to the High-Level Panel on Internal Displacement  
by the Envoy of the Chair of the Platform on Disaster Displacement*

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## EXECUTIVE SUMMARY

This submission by the Envoy of the Chair of the Platform on Disaster Displacement (PDD) to the High-Level Panel on Internal Displacement (HLP) discusses issues related to internal displacement in the context of sudden and slow-onset disasters triggered by natural hazards, including the adverse effects of climate change (hereinafter: disaster displacement). The submission first sets out the key *challenges* related to internal disaster displacement. It then addresses *what* can and should be done to prevent, address and find solutions, and concludes with a series of suggestions for consideration by the HLP as to *how* to achieve those objectives, building on existing practice.

Drawing on terminology used in internationally recognized policy frameworks, this submission uses “disaster displacement” to refer to situations where people are forced to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard. Such displacement results from the fact that affected persons are (i) exposed to (ii) a natural hazard in a situation where (iii) they are too vulnerable and lack the resilience to withstand the impacts of that hazard. In the event of either a sudden or slow-onset hazard, displacement (as opposed to predominantly voluntary migration) only occurs if the effects of a natural hazard reach the threshold of a disaster.

### Key Challenges

The vast majority of displacement in disaster contexts takes place within countries. During the period 2009 – 2019, the Internal Displacement Monitoring Centre (IDMC) recorded an average of 22.7 million people newly displaced each year, representing almost three times the number of people displaced by conflict and violence during the same period. In 2019, some 96 per cent of all disaster displacement was weather-related. Still, IDMC cautions that its baseline data remains an underestimate given the fundamental challenge that data collected during disasters often does not include the number of displaced people. The Intergovernmental Panel on Climate Change (IPCC) predicts that climate change is likely to increase *future numbers* of people moving as a consequence of the adverse effects of global warming.

Disaster displacement is inherently multi-causal and occurs within a spectrum of scenarios in which natural hazards combine with other factors to produce disaster situations. This submission distinguishes the following scenarios: 1) sudden-onset disasters; 2) slow-onset disasters; 3) multi-hazard disasters; and 4) disasters in conflict situations. Disaster displacement dynamics vary widely depending on the scenario and measures in place to address disaster displacement risk. Internal displacement in disaster contexts is commonly viewed as a temporary phenomenon, particularly as compared to conflict displacement. However, it is also not uncommon for disaster displacement to become protracted when return is not possible and measures to relocate or locally integrate internally displaced persons (IDPs) are limited or absent.

IDPs in disaster contexts share many of the same protection and assistance needs as IDPs in conflict situations, including the need for durable solutions. At the same time, internal disaster displacement is distinct, most notably with respect to the ability to prevent and prepare given the known or cyclical nature or geographic location of many natural hazards. As compared to conflict situations, disaster contexts also engage a different set of actors or require common actors to

assume altered roles and functions. Such actors include national civilian and military authorities as well as international actors, such as the International Federation of Red Cross and Red Crescent Societies (IFRC) supporting national societies, foreign militaries, UN Disaster Assessment and Coordination (UNDAC) teams, and in mixed disaster-conflict situations, peacebuilding actors.

Over recent decades, States and the international community as a whole have made important progress in responding to and managing disaster risks. However, as evidenced by the reality of protracted internal displacement in certain disaster situations, efforts to help displaced people and the broader affected communities to rebuild their lives have not always been successful. An analysis of selected evaluations indicates that many of the same weaknesses have arisen over the last 15 years, despite the diversity of contexts, including:

- Lack of recognition of disaster displacement as a specific aspect of disaster management;
- Insufficient disaster prevention and preparedness;
- Top-down interventions by the international community sidelining and undermining governmental actors;
- Lack of real participation of and accountability to affected communities;
- Insufficient focus on solutions;
- Weak humanitarian – development nexus; and
- Problematic funding mechanisms.

### **What States and Other Actors Are Expected to Do**

Disaster displacement is a consequence of the interaction between a hazard, exposure and vulnerability. This understanding facilitates the identification of a series of policy options to prevent internal displacement, namely to:

- (i) *Reduce hazards*, where possible, through the sustainable management of ecosystems and natural resources, and for those associated with climate change, the reduction of greenhouse gas emissions;
- (ii) *Reduce exposure* by helping people to move out of harm's way either before or in the aftermath of a disaster, such as by preventing them from moving to high-risk areas through disaster-sensitive land use, zoning or urban planning, or as a last resort, planned relocation to safer locations; and
- (iii) *Reduce vulnerability*, and thus help people to stay, through measures that reduce disaster risks, help people adapt to climate change in situ, and more generally, build people's resilience through development interventions that are in line with the Sustainable Development Goals.

Where these measures fail to prevent disaster displacement, it is necessary to:

- (iv) *Protect and assist* internally displaced persons in disaster contexts, and support them in their efforts to *find durable solutions* that end their displacement.

Different tools exist to prevent, address and resolve disaster displacement. The implementation of such a *toolbox approach* requires sufficient capacity of actors (government entities, civil society organizations, and affected communities) at all levels, strong coordination and collaboration between them, and sufficient resources to address disaster displacement holistically, spanning the policy areas of climate change, development, disaster risk reduction (DRR), environmental management, humanitarian response, human rights, peacebuilding and urban planning. All these interventions are not only highly desirable, but to a large extent are expected, or even required, by a multitude of legal and policy frameworks, including the Sendai Framework for Disaster Risk Reduction 2015-2030, the 2015 UNFCCC Paris Agreement on climate change, the 2030 Agenda for Sustainable Development, the 2016 New Urban Agenda, the 1992 Convention on Biodiversity, and the 1994 UN Convention to Combat Desertification.

### **How to Improve Prevention, Preparedness, Responses and Solutions**

Operational preparedness to respond to large-scale disasters is an overarching challenge. However, States and the international community also need to be prepared to address disaster displacement in the wider sense of ensuring normative, institutional and financial frameworks are in place to support the operational response. Considering these aspects, the following ideas are meant as suggestions for consideration by the Panel.

**1. Increasing the Capacity of States, the UN System and Other Stakeholders** -The capacity to prevent, address and resolve disaster displacement is key. It depends on a multitude of factors, including, in particular: *i) adequate legal and policy frameworks; ii) the right institutional frameworks to ensure, or at least facilitate, whole-of government approaches, as well collective action by international organizations and agencies; iii) effective action at the operational level, such as through memoranda of understanding (MoUs) and simulation exercises that outline respective roles and modes of international cooperation before disasters occur; and iv) adequate financial resources to support operational planning and implementation.*

**2. Prevention: Reducing Disaster Displacement Risk** - Measures to reduce the risk of displacement include interventions that avoid exposure to hazards in the first place, reduce or eliminate the effects of natural hazards, help people to stay with greater resilience, provide anticipatory early action, or move people out of harm's way before disasters strike. In particular, the United Nations Office for Disaster Risk Reduction's (UNDRR) *Words into Action guidelines on Disaster Displacement* set out a number of actions, such as development of targeted resilience-building programs and formally recognizing informal or marginalized settlements as areas that face high levels of disaster displacement risk, which can inform DRR and climate change adaptation planning and responses.

**3. Solutions: Strengthening the Nexus between Relevant Actors through a Comprehensive Durable Solutions Approach** - Based on experience, a series of measures implemented *together* can advance collaboration between relevant actors to address protracted internal displacement and achieve durable solutions by helping build the

essential nexus between humanitarian, development and disaster risk reduction or climate change adaptation actors. Such a *comprehensive durable solutions approach* is particularly suitable for countries that already have *significant protracted disaster displacement or large-scale mixed situations* of disaster and conflict-related internal displacement. The use of *resilience and solutions markers* provide an opportunity to consider whether programs sufficiently take into account the specific needs of IDPs and their hosts.

**4. Understanding Disaster Displacement: Data and Evidence** - Recognizing the numerous specific data and knowledge gaps related to disaster displacement, important actions include: i) systematically collecting data related to displacement, disaggregated according to gender, age, and disability as part of DRR assessments and preparedness activities, climate change adaptation efforts, as well as development interventions; ii) analysing the situation of displacement-affected communities as a whole, such as by using profiling of internal displacement situations that look at IDPs as well as other displacement affected communities; and iii) conducting comprehensive durable solutions analysis adapted to the local and country context to inform effective responses.

**5. The Resource Challenge: Developing Innovative Financing Mechanisms** - Good financing practices directly related to the prevention of disasters and enabling people and communities affected by disasters as well as their governments include, among others: i) *forecast-based financing mechanisms*, ii) *adaptive social safety net programs* for rural populations affected by drought and other slow-onset impacts, iii) *affordable micro-insurance and direct or indirect "climate insurance" models*. Other financial measures to address the needs of disaster displacement-affected communities and to find durable solutions include, among others: i) *allocating sufficient resources* to governmental authorities at all levels in charge of preventing, addressing and resolving internal displacement as part of disaster management; and ii) *facilitating access* to DRR and climate change funds and financing mechanisms to address disaster displacement, including by raising affected countries' awareness about existing sources of funding and making support available to implement integrated approaches to avert, minimize and address displacement related to disasters and the adverse impact of climate change.

## Key Conclusions

The key messages of this submission are: invest more in prevention, be better prepared, integrate IDP protection concerns into disaster responses, and work early on towards solutions, including with much more attention on restoring livelihoods. These goals can only be achieved if the capacities of governments at all levels, the UN system and other relevant stakeholders are strengthened. This requires generating better data and knowledge, and strengthening the nexus between humanitarian and development action, as well as climate change adaptation, disaster risk reduction, and where relevant peacebuilding efforts. It also necessitates robust and predictable financing mechanisms that create strong incentives for these measures.

# I. INTRODUCTION

## 1. Overview

This submission by the Envoy of the Chair of the Platform on Disaster Displacement (PDD)<sup>1</sup> has been prepared<sup>2</sup> in response to a call by the High-Level Panel on Internal Displacement (HLP) to provide written inputs to its work. According to its Terms of Reference, the Panel will focus primarily on addressing protracted displacement and achieving durable solutions for internally displaced persons (IDPs) in both disaster and conflict contexts. The Panel is expected to identify innovative and concrete solutions for IDPs, and help trigger tangible changes on the ground, in particular with regard to stronger collaboration between humanitarian and development as well as climate change adaptation (CCA) and disaster risk reduction (DRR) actors.

The submission discusses issues related to internal displacement in the context of sudden and slow-onset disasters triggered by natural hazards, including the adverse effects of climate change (hereinafter: disaster displacement). As part of its workplan, the PDD plans to co-organize a thematic consultation, in collaboration with the HLP, GP20 and other partners, that will identify effective practices further illustrating the information addressed in this document, provided that such a meeting remains possible in the context of the present COVID-19 pandemic.

The response to the COVID-19 pandemic is currently creating significant challenges with respect to internal displacement, such as maintaining social distancing guidelines in congested camp settings or sustaining IDPs' access to health services.<sup>3</sup> In some situations, IDPs may even be accused of spreading the virus and endangering the host community. While to date, the pandemic has led to restrictions of movement rather than displacement, the impacts of COVID-19 are likely to undermine the resilience of IDPs and people at risk of displacement in the longer-term. It is still too early to fully assess the specific impacts of the COVID-19 pandemic on the issue of internal displacement. Thus, while acknowledging the specific challenges they pose to addressing internal displacement, COVID-19 and similarly serious biological hazards are presently beyond the scope of this submission.<sup>4</sup>

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<sup>1</sup> The Platform on Disaster Displacement (PDD) was established in July 2016 as a state-led initiative to follow-up on the work of the Nansen Initiative and to support States and other stakeholders to implement the recommendations of the Nansen Initiative, [Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change](#) (Protection Agenda), Volume I (December 2015). The Protection Agenda was endorsed by 109 States in October 2015. PDD and the Protection Agenda are also recognized in General Assembly Resolution 72/182 *Protection of and assistance to internally displaced persons*, UN Doc A/RES/72/182 (2018), para. 4 and the *Global Compact on Migration*, UN Doc A/RES/73/195 (2018), para. 18(l).

<sup>2</sup> The submission reflects significant feedback and contributions from a large number of members of PDD's Steering Group and Advisory Committee. The lead authors are Walter Kälin and Hannah Entwisle Chapuisat.

<sup>3</sup> "Coronavirus Crisis: Internal Displacement" (IDMC) <<https://www.internal-displacement.org/crises/coronavirus>> accessed 30 April 2020.

<sup>4</sup> Biological hazards are also outside the scope of disaster displacement as defined by the Protection Agenda, in which "disasters refer to disruptions triggered by or linked to hydro-metrological and climatological natural hazards, including hazards linked to anthropogenic global warming, as well as geophysical hazards." Protection Agenda (n 1), p. 16.

This submission answers the following questions:

- (1) ***What are the key challenges related to internal disaster displacement?*** Disaster displacement occurs when people are forced or obliged to leave their homes or places of habitual residence as a result of or in order to avoid a sudden or slow-onset disaster linked to natural hazards, including those associated with climate change. It is often erroneously thought that compared to conflict-induced displacement, internal displacement in disaster contexts is less problematic in terms of protection challenges, humanitarian response and recovery leading to durable solutions. However, while challenges may be different from those in conflict settings, such assumptions underestimate the complex root causes of disaster displacement and the multi-sectoral responses required to find durable solutions, particularly in the context of climate change. Key challenges include, for instance, tackling the real risk of protracted internal displacement, and ensuring that when disasters overwhelm government capacity, the international response supports, rather than undermines, national efforts. To highlight the relevance and urgency of disaster displacement, the submission starts out with identifying key challenges, in particular the large numbers of such IDPs (section II.1), the complex dynamics of disaster displacement (II.2), problematic assumptions regarding the absence of protracted internal displacement and protection challenges in disaster situations (II.3), and shortcomings related to the international response to disasters (II.4).
- (2) ***What can and should be done to prevent, address and find solutions for internal disaster displacement? What do existing normative and policy frameworks expect from States and other relevant actors?*** Section III addresses the “what” of preventing, addressing and resolving situations of disaster displacement. It identifies policy options as well as relevant normative and policy frameworks to: reduce climate change-related and other natural hazards, where possible; help people at risk of displacement to stay or move out of harm’s way, and; protect those displaced in the context of disasters.
- (3) ***How can we be more effective in preventing, preparing for, responding to and resolving internal disaster displacement?*** Section IV focuses on the “how” of preventing, addressing and solving situations of disaster displacement. The suggestions presented in this Section are submitted to the Panel for its consideration. Section IV.1 presents suggestions on how to strengthen the capacity of States, the UN system and other relevant stakeholders to prevent, address and resolve situations of disaster displacement. Section IV.2 looks specifically at prevention and preparedness, while Section IV.3 examines how to strengthen the humanitarian-development-climate change-disaster risk reduction nexus. Section IV.4 focuses on how to improve data collection and analysis. A particularly important challenge is the need to develop innovative financing, in particular with regard to durable solutions (section IV.5). While not identical, this section covers the five thematic areas listed in the HLP’s Terms of Reference.

The submission ends with brief conclusions (section V).



## 2. Key Conclusions and Suggestions

The key messages of this submission are: invest more in prevention, be better prepared, integrate IDP protection concerns into disaster responses, and work early on towards solutions, including with much more attention on restoring livelihoods. These goals can only be achieved if the capacities of governments at all levels, the UN system and other relevant stakeholders are strengthened. This requires generating better data and knowledge, and strengthening the nexus between humanitarian and development action, as well as climate change adaptation, disaster risk reduction, and where relevant peacebuilding efforts. It also necessitates robust and predictable financing mechanisms that create strong incentives for these measures.

Going beyond existing effective practices (section IV), this submission offers the High-Level Panel a number of suggestions for its consideration with respect to addressing internal disaster displacement.

**1. Increasing the Capacity of States, the UN System and Other Stakeholders** - The capacity to prevent, address and resolve disaster displacement is key. It depends on a multitude of factors, including, in particular: *i) adequate legal and policy frameworks; ii) the right institutional frameworks to ensure, or at least facilitate, whole-of government approaches, as well collective action by international organizations and agencies; iii) effective action at the operational level, such as through MoUs and simulation exercises that outline respective roles and modes of international cooperation before disasters occur; and iv) adequate financial resources to support operational planning and implementation.*

**2. Prevention: Reducing Disaster Displacement Risk** - Measures to reduce the risk of displacement include interventions that avoid exposure to hazards in the first place, reduce or eliminate the effects of natural hazards, help people to stay with greater resilience, provide anticipatory early action, or move people out of harm's way before disasters strike. In particular, the United Nations Office for Disaster Risk Reduction's (UNDRR) *Words into Action guidelines on Disaster Displacement* set out a number of actions, such as development of targeted resilience-building programs and formally recognizing informal or marginalized settlements as areas that face high levels of disaster displacement risk, which can inform DRR and climate change adaptation planning and responses.

**3. Solutions: Strengthening the Nexus between Relevant Actors through a Comprehensive Durable Solutions Approach** - Based on experience, a series of measures implemented *together* can advance collaboration between relevant actors to address protracted internal displacement and achieve durable solutions by helping build the essential nexus between humanitarian, development and disaster risk reduction or climate change adaptation actors. Such a *comprehensive durable solutions approach* is particularly suitable for countries that already have *significant protracted disaster displacement or large-scale mixed situations* of disaster and conflict-related internal

displacement.<sup>5</sup> The use of *resilience and solutions markers* provide an opportunity to consider whether programs sufficiently take into account the specific needs of IDPs and their hosts.

**4. Understanding Disaster Displacement: Data and Evidence** - Recognizing the numerous specific data and knowledge gaps related to disaster displacement, important actions include: i) systematically collecting data related to displacement, disaggregated according to gender, age, and disability as part of DRR assessments and preparedness activities, climate change adaptation efforts, as well as development interventions; ii) analysing the situation of displacement-affected communities as a whole, such as by using profiling of internal displacement situations that look at IDPs as well as other displacement affected communities; and iii) conducting comprehensive durable solutions analysis adapted to the local and country context to inform effective responses.

**5. The Resource Challenge: Developing Innovative Financing Mechanisms** - Good financing practices directly related to the prevention of disasters and enabling people and communities affected by disasters as well as their governments include, among others: i) *forecast-based financing mechanisms*, ii) *adaptive social safety net programs* for rural populations affected by drought and other slow-onset impacts, iii) affordable *micro-insurance and direct or indirect “climate insurance” models*. Other financial measures to address the needs of disaster displacement-affected communities and to find durable solutions include, among others: i) *allocating sufficient resources* to governmental authorities at all levels in charge of preventing, addressing and resolving internal displacement as part of disaster management; and ii) *facilitating access* to DRR and climate change funds and financing mechanisms to address disaster displacement, including by raising affected countries’ awareness about existing sources of funding and making support available to implement integrated approaches to avert, minimize and address displacement related to disasters and the adverse impact of climate change.<sup>6</sup>

### 3. Terminology

Terminology in the subject area covered by this submission is not uniform. Drawing on terminology used in internationally recognized policy frameworks, this submission and the PDD use the following terminology:

DISASTER refers to a “serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources” (UNDRR). In the *Nansen Initiative Protection Agenda*, disasters refer to disruptions triggered by or linked to hydro-meteorological and climatological natural hazards, including hazards linked to anthropogenic global warming, as well as geophysical hazards.<sup>7</sup> While *sudden-onset disasters* are disasters linked

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<sup>5</sup> For details see Section IV.3.

<sup>6</sup> Above, section IV.5.

<sup>7</sup> Natural hazards are formally divided into five categories: (i) Geophysical: earthquake, tsunamis, volcanic eruptions, landslides; (ii) Hydrological: floods, avalanches, sea-level rise; (iii) Meteorological: Storms, storm surges, extreme temperatures; (iv) Climatological: drought, wildfires, glacial lake outburst floods; and (v)

to hydro-meteorological hazards such as flooding, windstorms or mudslides, and geophysical hazards include earthquakes, tsunamis or volcanic eruptions, *slow-onset disasters* relate to drought, rising level sea levels, thawing permafrost and environmental degradation processes such as desertification and salinization. The notion of disaster in this submission covers sudden- as well as slow-onset disasters, unless otherwise indicated in the text.

DISASTER DISPLACEMENT refers to situations where people are forced to leave their homes or places of habitual residence as a result of a disaster or in order to avoid the impact of an immediate and foreseeable natural hazard. Such displacement results from the fact that affected persons are (i) exposed to (ii) a natural hazard in a situation where (iii) they are too vulnerable and lack the resilience to withstand the impacts of that hazard. In the event of either a sudden or slow-onset hazard, displacement (as opposed to predominantly voluntary migration) only occurs if the effects of a natural hazard reach the threshold of a disaster as defined above.

INTERNALLY DISPLACED PERSONS are people or groups of people who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Guiding Principles on Internal Displacement).

PROTECTION refers to any positive action, whether or not based on legal obligations, undertaken by States on behalf of disaster displaced persons or persons at risk of being displaced that aim at obtaining full respect for the rights of the individual in accordance with the letter and spirit of applicable bodies of law, namely human rights law, international humanitarian law and refugee law.<sup>8</sup>

## II. KEY CHALLENGES

Over recent decades, States and the international community as a whole have made important progress in responding to and managing disaster risks. Although economic losses associated with disasters are rising, the “ability to identify and reduce risk, prepare for disaster, mitigate its financial costs, and build more resilient communities in its wake”<sup>9</sup> has increased. States have strengthened their capacities, and international level consensus has been achieved on important steps to reduce disaster risks and address the adverse effects of climate change through mitigation and adaptation.

At the same time, as discussed below (II.3), internal disaster displacement is often neglected in efforts to prevent, prepare for, and address disasters, resulting in situations of protracted displacement. Underscoring the challenges facing States, the Intergovernmental Panel on Climate Change (IPCC) Chair Hoesung Lee emphasized that, “[c]limate impacts now and in the future

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Biological: insect infestation or epidemic. “Classification | EM-DAT” <<https://www.emdat.be/classification>> accessed 3 March 2020.

<sup>8</sup> Protection Agenda, (n 1), p. 7.

<sup>9</sup> GFDRR, *2007 – 2017: A Decade of Progress in Disaster Risk Management*, Global Facility for Disaster Reduction and Recovery, Washington D.C., 2016, p. 1.

increasingly challenge the adaptive capacity” of societies and, as a consequence, the “risks of reaching limits to adaptation” are increasing.<sup>10</sup> Thus, as States seek to be better prepared for disaster situations, internal disaster displacement poses significant present-day and future challenges.

## 1. Large Numbers

The vast majority of displacement in disaster contexts takes place within countries, although some people may cross borders.<sup>11</sup> During the period 2009 – 2019, the Internal Displacement Monitoring Centre (IDMC) recorded a combined total of 249.7 million new displacements in the context of sudden-onset disasters.<sup>12</sup> This equates to an average of 22.7 million people newly displaced each year, representing almost three times the number of people displaced by conflict and violence during the same period.<sup>13</sup> In 2019, some 96 per cent of all disaster displacement was weather-related.<sup>14</sup>

In 2019, the South Asia (9.5 million displacements) and the East Asia and Pacific (9.6 million displacements) regions were hardest hit, representing almost 77 per cent of all new displacements. The Sub-Saharan African region followed with almost 3.5 million displacements (13.9 per cent), and the Americas region with some 1.5 million displacements (6.2 per cent).<sup>15</sup> Comprehensive global stock data on internal disaster displacement is not available, because time series data is only rarely collected.<sup>16</sup> However, IDMC is developing models to provide cumulative global stock estimates.<sup>17</sup>

Between 2008-2018, some 87 per cent of disaster displacement was linked to weather-related hazards like tropical storms, with the remaining 13 per cent triggered by geophysical hazards such as earthquakes.<sup>18</sup> Less information is available about the extent to which slow-onset hazards and other forms of environmental degradation have led to displacement, as IDMC only began

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<sup>10</sup> “Opening of COP 25”, Madrid, 2 December 2019, [Statement by IPCC Chair Hoesung Lee](#), p. 1

<sup>11</sup> Reliable global data on cross-border disaster-displacement does not exist, although most is thought to occur within regions. Examples of cross-border disaster-displacement can be found in the Nansen Initiative, [Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change](#), Volume II, December 2015, pp. 5 – 34.

<sup>12</sup> Calculated on the basis of the chart in Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2020* (GRID 2020), IDMC, Geneva, 2020, p. 1. Note that IDMC estimates only began including drought-related displacements in 2017. Sylvain Ponserre and Justin Ginnetti, *Disaster Displacement: A Global Review, 2008-2018*, IDMC, Geneva, 2019, p. 16.

<sup>13</sup> Ponserre and Ginnetti, *ibid.*, p. 6.

<sup>14</sup> GRID 2020 (n 12), p. 10.

<sup>15</sup> *Ibid.*, p. 14.

<sup>16</sup> Ponserre and Ginnetti (n 12), p. 23.

<sup>17</sup> As of the end of 2018, IDMC estimated that some 1.6 million people displaced in that same year had not yet found a durable solution. Ponserre and Ginnetti (n 12), pp. 26-27 and 43. Similarly, as of 31 December 2019, IDMC estimated that 5.1 million IDPs were living in displacement situations. GRID 2020 (n 12) p. 12. Notably, these estimates cannot be equated to protracted displacement, as some disasters may have occurred close to the end of the year with IDPs still able to return relatively soon after the event.

<sup>18</sup> *Ibid.*, p. 8.

collecting data on such displacement in 2017.<sup>19</sup> As a consequence, knowledge about the impact on displacement-affected communities and protection needs in such situations is limited.

Although data collection and analysis on disaster displacement is improving, IDMC cautions that its baseline data remains an underestimate.<sup>20</sup> A fundamental challenge lies in the fact that data collected during disasters often does not include the number of displaced people. Instead, information on disaster displacement is extrapolated from related, but inconsistent data on “affected populations,” “destroyed or damaged houses,” “evacuees” or “homeless” people, which serve as proxies. In addition, stock data, i.e., the total number of people still in displacement at any given time, is systematically poor. (See section II.3.2)

The IPCC predicts that climate change is likely to increase *future numbers* of people moving as a consequence of the adverse effects of global warming,<sup>21</sup> in particular due to extreme weather events. In 2018, it concluded that “at 1.5°C there will be *increased* incidents of internal migration and displacement”,<sup>22</sup> with the tropics in particular experiencing “*significant* displacement” in a 2°C world.<sup>23</sup> Absent any mitigation and adaptation measures, the World Bank estimates that over 143 million people in Sub-Saharan Africa, South Asia, and Latin America alone will move within their own countries by 2050, whereas robust action could reduce this number to 51 million.<sup>24</sup>

Overall, estimating future numbers of people internally displaced is extremely difficult because, as will be discussed below (Section III and IV.2), future levels of displacement depend on the success of efforts to sustainably manage natural resources, reduce future greenhouse gas emissions, strengthen the resilience of affected communities to natural hazards and adapt to a changing climate, ensure adequate disaster preparedness measures, and support regular migration to safer areas within countries (and in some cases across borders).

## 2. Complex Dynamics

### 2.1 Multi-causality

The notion of “disaster displacement” used in this submission builds on the UN’s understanding of disaster as a situation of serious disruption of the functioning of a community or society due to

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<sup>19</sup> See (n 12).

<sup>20</sup> Ibid., p. 40.

<sup>21</sup> IPCC, “2014: Summary for policymakers”. In: *Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects*. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Field, C.B., V.R. Barros, D.J. Dokken, K.J. Mach, M.D. Mastrandrea, T.E. Bilir, M. Chatterjee, K.L. Ebi, Y.O. Estrada, R.C. Genova, B. Girma, E.S. Kissel, A.N. Levy, S. MacCracken, P.R. Mastrandrea, and L.L. White (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, p. 20.

<sup>22</sup> IPCC, [Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty](#) [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)] (2018), p. 235 (emphasis added).

<sup>23</sup> Ibid., p. 245 (emphasis added).

<sup>24</sup> Kanta Kumari Rigaud and others, *Groundswell: Preparing for Internal Climate Migration*, World Bank, 2018.

the interaction of hazardous events with conditions of exposure, vulnerability, and capacity.<sup>25</sup> Thus, this submission uses the notion of disaster displacement to reflect the multiple factors that ultimately compel people to leave their homes in disaster situations, including those associated with climate change.<sup>26</sup>

People are displaced when they are forced to leave their homes because they live in a location where a sudden or slow-onset natural hazard, that may or may not be linked to climate change, occurs, and the people are too vulnerable to withstand the impacts of such hazard. As highlighted by the non-binding Nansen Initiative Protection Agenda,<sup>27</sup> it is the interplay of (i) *exposure* and (ii) *vulnerability* to (iii) a natural *hazard* that leads to displacement.

With respect to “vulnerability,” it is important to note that people exposed to hazards and environmental degradation may lack resilience for a multitude of socio-economic and political reasons, including poverty, social and economic marginalization, poor urban planning, expansion of settlements into risk-prone areas, population growth, weak governance regarding disaster risk reduction and management, and in some situations, violence or armed conflict.<sup>28</sup> Compared to the impacts of the natural hazard itself, these factors contribute as much as, and sometimes even more, to whether affected people will be able to stay or have to move.<sup>29</sup> Thus, disaster displacement is inherently multi-causal.

However, while people may migrate for very different reasons before the effects of drought or environmental degradation reach the threshold of a disaster as defined above (section I.3), multi-causality does not mean that it is inherently difficult to identify disaster displaced persons, including in situations of slow-onset disasters. Regardless of issues related to poverty, weak governance or missed opportunities for DRR or CCA measures, people forced to move because their homes collapse due to coastal erosion or because their animals perish in a drought can be described as IDPs.

## 2.2 Scenarios

Disaster displacement occurs within a spectrum of scenarios in which natural hazards combine with other factors to produce disaster situations. Distinguishing these scenarios is useful for understanding the specific displacement risks that commonly arise in each and identifying specific measures that can be undertaken to address them. The following scenarios can be distinguished:

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<sup>25</sup> UN Office for Disaster Risk Reduction (UNDRR) defines disaster as “[A] serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts”; see UNDRR, [“Terminology on Disaster Risk Reduction- ‘Disaster’”](#).

<sup>26</sup> Protection Agenda (n 1), p. 16.

<sup>27</sup> Ibid. The Protection Agenda was endorsed in October 2015 by 109 states. On the background, structure, and process of the Nansen Initiative, see Walter Kälin, “Disaster Displaced Persons in the Age of Climate Change: The Nansen Initiative’s Protection Agenda” in Flavia Giustiniani *et al* (eds), *Human Rights in Times of Disaster: International law put to the test*, Routledge, 2018, p. 349.

<sup>28</sup> See Protection Agenda *ibid.*, p. 16; IPCC acknowledges that “social, economic and environmental factors underlying migration are complex [...]; therefore, detecting the effect of observed climate change [...] with any degree of confidence is challenging”; see IPCC, *Global Warming of 1.5° C* (n 22), p. 244.

<sup>29</sup> IDMC, *Disaster-related Displacement Risk: Measuring the Risk and Addressing its Drivers*, 2015, p. 27.

- **Sudden-Onset Disasters:** These are disasters triggered by sudden-onset hazards. The impacts of hazards such as cyclones, hurricanes, earthquakes, floods, or volcanic eruptions are the most immediate and visible drivers of disaster displacement. For example, in a matter of seconds, an earthquake in an urban area can not only cause massive and widespread death, destruction and injuries but also make hundreds of thousands or millions of people homeless and displaced.<sup>30</sup>
- **Slow-Onset Disasters:** Slow-onset hazards and associated processes, including drought, land degradation, desertification, and sea level rise, are also important triggers of disasters and associated drivers of disaster displacement. Distinguishing between predominantly voluntary migration and forced displacement is not always easy in such contexts. However, people are forced to leave when affected locations no longer sustain certain livelihoods and affected persons cannot adapt to the situation, or when whole geographical areas become uninhabitable, for instance due to sea level rise, permafrost thawing, land degradation or desertification. For instance, drought has become a key driver of internal displacement in regions where pastoralism is no longer possible. Sea level rise may cause large-scale coastal erosion with previously inhabited land disappearing. Similarly, permafrost and ice thawing in Alaska,<sup>31</sup> the disappearance of glaciers and snow as a water source in the Himalayas<sup>32</sup> or desertification are already forcing people to move.
- **Multi-Hazard Disasters:** In reality, while slow-onset environmental degradation may motivate people to migrate to areas with better livelihood prospects, the moment when a person is left with no other reasonable choice than to leave is usually a consequence of an interaction between slow and sudden-onset hazards. Recurrent droughts may undermine livelihoods over the course of several years, but displacement occurs when remaining livelihood assets such as livestock are lost or when food insecurity turns into famine within a few weeks or months. Droughts and floods are often sequential, the effects of which can erode resilience and lead to disaster displacement.<sup>33</sup> Low-lying islands and coastal regions become uninhabitable in ways that trigger displacement when slow-onset coastal erosion is exacerbated by high waves during storm tides that destroy sea-walls, flood coastal areas and increase the salinity of soil and groundwater, and destroy houses and infrastructure, forcing people to move long before the land disappears. Climate change and other environmental degradation processes can also have effects that result in sudden-onset disasters, for instance by increasing the frequency and intensity of heavy precipitation,<sup>34</sup> which in turn may create flooding or landslides that displace people. Finally, natural hazards can also interact with industrial hazards, such as the 2011 Great

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<sup>30</sup> The 2010 earthquake in Haiti, for instance, almost instantly killed an estimated 220,000 people, flattened critical infrastructure as well as national government offices, and displaced 1.2 million people. UNICEF, [The Haiti Earthquake: 10 Years Later](#), UNICEF, 10 January 2020.

<sup>31</sup> E.g., Robin Bronen, "Climate-induced Community Relocations: Creating an adaptive governance framework based in human rights doctrine", 2011 *NYU Review of Law and Social Change* 35, pp. 356–406.

<sup>32</sup> See, e.g., Kam For Sud and SUPSI. [Moving Down or Not?](#) – Part I: Synthesis, November 2012.

<sup>33</sup> OCHA, "Somalia's deadly drought-flood cycle", 29 November 2019, <https://unocha.exposure.co/somalias-deadly-droughtflood-cyclenbsp> (accessed 10 April 2020).

<sup>34</sup> IPCC, *Global Warming of 1.5°C* (n 22), p. 7.

East Japan Earthquake, tsunami and nuclear radiation disaster that ultimately displaced over 470,000 people.<sup>35</sup>

- **Disasters in Conflict Situations:** Disasters linked to natural hazards can occur in countries and locations affected by armed conflict or otherwise fragile situations. Examples of such mixed situations include the 2002 eruption of the Mount Nyiragongo volcano near Goma in war-torn Eastern DRC, the impacts of the 2004 Indian Ocean tsunami on Aceh, Indonesia and regions of Sri Lanka affected by conflict. More recently, recurrent droughts and famine have impacted Somalia and the Lake Chad basin. The presence of ongoing conflict and violence can reduce resilience to natural hazards<sup>36</sup> and lead to situations where IDPs fleeing disaster may end up in the same camps and settlements as people who fled conflict. People previously displaced by conflict who live in congested, poorly planned camp settings often face secondary displacement due to natural hazards. Conversely, drought and environmental deterioration may prompt violent conflicts between communities over diminishing resources, such as land and water, or exacerbate existing conflict situations, which in turn trigger displacement.<sup>37</sup>

### 2.3 Dynamics

Disaster displacement dynamics vary widely depending on the scenario and measures in place to address disaster displacement risk.

Displacement can take the form of spontaneous flight, ordered or enforced evacuations, or an involuntary planned relocation. IDPs often move from location to location, such as when they feel they have become a burden to host families, to access assistance in camps or collective shelters, or when they can no longer afford to pay for rented accommodation. When assessing the large numbers of IDPs mentioned above (section II.1), one has to be careful to not automatically equate large numbers with a failure to prevent displacement. Flight to safety, evacuations and planned relocation are often the most effective coping mechanisms for affected populations. Depending on the circumstances, authorities might even be obliged<sup>38</sup> to tolerate

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<sup>35</sup> Michelle Yonetani, "[Recovery Postponed: The Long-Term Plight of People Displaced by the 2011 Great East Japan Earthquake, Tsunami and Nuclear Radiation Disaster](#)", IDMC, Geneva 2017.

<sup>36</sup> During the 2016/17 drought in Somalia, IDPs told the author that they had fled their homes because they could no longer pay taxes to Al-Shabaab when their crops failed, and therefore risked being obliged to have their sons join Al-Shabaab as fighters.

<sup>37</sup> IDMC, "Global Report on Internal Displacement 2019" (GRID 2019), Geneva, 2019, pp. 10 and 18. An illustrative example is Nigeria: [Sam Olukoy, "How Climate Change Is Fuelling Insurgency of Nigeria's Militant Boko Haram, ReliefWeb](#), 13 December 2019, and [Marcus DuBois King, "Water Stress: A Triple Threat in Nigeria", Pacific Council on International Policy](#), 15 February 2019. However, see also the International Crisis Group, which cautions that climate change impacts must be analysed in the context of broader political choices in the central Sahel region rather than in direct relationship to violence. "The Central Sahel Scene of New Climate Wars?", Crisis Group Africa Briefing 154, Dakar/Niamey/Brussels, 24 April 2020.

<sup>38</sup> See, e.g., European Court on Human Rights, *Budayeva and Others v Russia*, App nos 15339/02, 21166/02, 20058/02, 11673/02, and 15343/02 (20 March 2008) where the Court found a violation of the right to life because local authorities had not properly evacuated persons at risk of an impending mudslide. See also, Res 6/2018, *Committee on International Law and Sea Level Rise, 78th Conference of the International Law Association, held in Sydney, Australia, 19–24 August 2018*, annex – *Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise*, principles 6. On this and other requirements stemming from international human rights law, see Bruce Burson *et al*, "The Duty to Move People Out of Harm's Way in the



spontaneous flight or order and implement evacuations or planned relocations to save lives. Thus, stronger disaster preparedness measures that have included pre-emptive evacuations have helped countries such as Bangladesh<sup>39</sup> and the Philippines<sup>40</sup> to dramatically reduce the number of deaths during flooding and tropical storms.

Internal displacement in disaster contexts is commonly viewed as a temporary phenomenon, particularly as compared to conflict displacement. The vast majority of disaster displaced people are in fact often able to return to their homes after a relatively short time and start rebuilding their lives. When adequate risk reduction measures are insufficient to withstand recurrent disasters, people may also return home, only to become displaced again as soon as floods or storms re-occur.

As discussed below (section II.3.2), it is also not uncommon for disaster displacement to become protracted when return is not possible and measures to relocate or locally integrate IDPs are limited or absent. Even where IDPs can return home, this might not amount to a durable solution because they are unable to restore their livelihoods or access basic services. Thus, IDPs can remain dependent on humanitarian assistance over prolonged periods of time.

Finally, disasters do not necessarily need to be large-scale to prompt displacement. The compounded impacts of sequential or seasonal disasters, even if not strong individually, can erode affected populations' coping capacity and lead to displacement as people are exposed to greater risks and are less resilient to future hazards.

## 2.4 Distinguishing disaster displacement from conflict displacement

Disaster IDPs share many of the same protection and assistance needs as conflict IDPs, including the need for durable solutions. At the same time, the two categories of internal displacement are different in several regards. For the purposes of this submission, two points need to be highlighted.

- (1) **Prevention and preparedness:** Preventing internal displacement during armed conflict is notoriously difficult. In comparison, the known or cyclical nature or geographic location of many hazards, such as hurricane season or volcanic eruptions, means that much can be done to avoid disaster displacement in the first place or reduce the risk of displacement through disaster risk reduction, climate change adaptation and development measures

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Context of Climate Change and Disasters", *Refugee Survey Quarterly*, 37/4 (2018): p. 379 ff with further references.

<sup>39</sup> See GFDRR (n 9), p. 41.

<sup>40</sup> For instance, in 2013 in the Philippines, Typhoon Haiyan/Yolanda, notably one of the strongest tropical storms ever recorded to hit land, killed more than 6,0000 people, left over 2,000 missing, and displaced 4 million others ("[Typhoon Haiyan-Nov 2013](#)", ReliefWeb). However, learning from this devastating experience, the Government of the Philippines strengthened its disaster preparedness measures, particularly around pre-emptive evacuations ("[Philippines Praised by UN for Learning the Hard Lessons of Typhoon Haiyan and Upgrading Their Disaster Response Efforts](#)", *South China Morning Post*, 24 October 2015.) In 2018, the Philippines recorded the world's largest number of disaster displaced people, with 3.8 million people. Typhoon Mangkut alone displaced 1.7 million people (IDMC (n 37), p. 28), but in comparison to Typhoon Haiyan, the deaths from disaster were drastically reduced to 82 people (IFRC, "[Philippines: Typhoon Mangkhut Emergency Plan of Action Operation Update N° 2 - N°MDRPH029 – Philippines](#)" *ReliefWeb*, 21 December 2018).

that address the underlying causes of displacement. Similarly, as shown below (sections III and IV.2), many risks associated with disaster displacement can be reduced by integrating displacement-related protection considerations within disaster preparedness, response and reconstruction plans. Consequently, understanding disaster displacement risk requires an additional and specific set of knowledge and tools as compared to displacement linked to conflict and violence, such as hazard mapping, land-use planning and river basin management.

- (2) ***Different actors and different roles:*** States have the primary responsibility to provide protection and assistance to all IDPs on their territory, regardless of the context. However, while during armed conflict they must abide by international humanitarian law in addition to human rights law, only the latter applies in disaster settings that are not of a mixed character. In conflict situations, the State may be a party to the conflict, and in fact be the cause of the displacement. While this may compromise the State's role in protecting the rights of IDPs, its response to disasters is not influenced by such considerations. Therefore, it is often easier for international actors to develop collaborative relationships with State actors at all levels during disasters, including with regard to protection issues.

The nature of disaster prevention, preparedness, response and recovery creates a particular set of dynamics that are distinct from conflict situations. As compared to conflict situations, disaster contexts also engage a different set of actors or require common actors to assume altered roles and functions. Such actors include national civilian and military authorities as well as international actors, such as IFRC supporting national societies, foreign militaries, and UNDAC teams that establish initial baseline data and coordination structures and lead the development of an international appeal. However, while displacement is taken as a given in conflict situations, many actors engaged in disaster risk management and response may not recognize disaster displacement as a phenomenon. Displacement, protection and human rights considerations are not yet comprehensively mainstreamed in disaster risk reduction laws and policies<sup>41</sup> as set out in new policy and guidance.<sup>42</sup> Similarly, although it is changing,<sup>43</sup> many disaster response actors fail to consider the specific needs and risks people may face due to displacement, leaving the rights and needs of IDPs inadequately addressed.<sup>44</sup>

Durable solutions are extremely difficult to achieve when a government lacks the required political will in both conflict and disaster situations. Even in disaster contexts, politics can influence approaches to durable solutions for IDPs, for instance when tensions arise

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<sup>41</sup> Michelle Yonetani, "[Mapping the Baseline: To What Extent Are Displacement and Other Forms of Human Mobility Integrated in National and Regional Disaster Risk Reduction Strategies?](#)" PDD, 2018.

<sup>42</sup> See, e.g., UNDRR, [Disaster Displacement: How to Reduce Risk, Address Impacts and Strengthen Resilience, Words into Action](#), (Disaster Displacement WiA), Geneva, 2019, and UNDRR; "[Disaster Displacement](#)", Geneva, 2020.

<sup>43</sup> Victoria Bannon, "[Strengthening IFRC Responses to Internal Displacement in Disasters: Challenges and Opportunities](#)", Summary Report, IFRC, 2019.

<sup>44</sup> See sections II.3.2 and III.1. For more general discussions, e.g., Andrew Wilder, "Perceptions of the Pakistan Earthquake Response", Feinstein International Center, 2008, p. 38; Bryan Deschamp, Michelle Azorbo and Sebastian Lohse, "Earth, Wind and Fire: A Review of UNHCR's Role in Recent Natural Disasters", UNHCR Policy Development and Evaluation Service, PDES/2010/06, UNHCR, Geneva, 2010.

between central and sub-national level authorities or where the majority of disaster IDPs belong to a discriminated or marginalized minority. In general, however, politics plays a more limited role in post-disaster settings as compared to conflict situations. Furthermore, unlike in conflict settings, development actors arrive relatively soon to conduct disaster assessments for recovery and reconstruction, often in parallel to emergency operations, and may not take into account the potential for protracted internal displacement if adequate conditions are not in place to support durable solutions in a timely manner.<sup>45</sup> In conflict settings, by comparison, comprehensive return and reintegration programming is often seen as an essential component of peacebuilding and may even be specifically addressed in peace agreements.<sup>46</sup>

## 2.5 Mixed situations and the role of peacebuilding actors

In mixed disaster-conflict settings, peacebuilding actors, in addition to disaster management, humanitarian, and development actors, may play an important role in several regards:

- Peacebuilding and reconciliation efforts at the community level, together with other efforts to enhance resilience in conflict-affected areas, can contribute to the *prevention* of internal displacement. For instance, through the use of early warning mechanisms to predict drought, peacebuilding actors can reduce the risk that violence is reignited by addressing the risk of increased competition over diminishing natural resources.
- *During a disaster*, UN Peacekeeping Operations already present in the affected country can contribute in important ways to disaster preparedness and response efforts. Thus, for instance, in Haiti, the United Nations Stabilisation Mission in Haiti (MINUSTAH) conducted rescue operations during storms and flooding throughout its 13 year mission.<sup>47</sup> However, in 2010, MINUSTAH initially “hesitated before ... engaging in other early humanitarian response activities because the mission felt that such activities were not covered by its mandate.”<sup>48</sup> A week later, the Security Council clarified MINUSTAH’s role by amending its mandate and making its logistical capacities available to the disaster response. MINUSTAH, and in particular its civilian policing (CIVPOL) unit, also contributed to the provision of security by protecting humanitarian convoys when law and order broke down in the immediate aftermath of the earthquake, and by patrolling IDP camps and settlements.<sup>49</sup>
- Finally, peacebuilding components aimed at stabilization can contribute to helping displacement-affected communities move towards *durable solutions*. A good example is

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<sup>45</sup> See, however, the [Somalia Drought Impact & Needs Assessment](#), Volume I, Synthesis Report, 2018, available at which was the basis for the [Somalia Recovery and Resilience Framework](#), Summary Report, June 2018, p. 5, which designates durable solutions for IDPs as one of five strategic objectives.

<sup>46</sup> See, e.g., the examples in Brookings-Bern Project on Internal Displacement, *Integrating Internal Displacement in Peace Processes and Agreements*, Washington D.C., 2010, Appendix 1, p. 67 f.

<sup>47</sup> See UN News, “[Images of the legacy of the UN peacekeeping mission in Haiti](#)”, 10 October 2017.

<sup>48</sup> François Grünewald (Groupe URD) and Andrea Binder (GPPi), [Inter-agency real-time evaluation in Haiti: 3 months after the earthquake](#), Final report, 31 August 2010, p. 24.

<sup>49</sup> Report of the independent expert on the situation of human rights in Haiti, Michel Forst, UN Doc A/HRC/14/44 (3 May 2010), para. 40.

the *Midnimo* project in Somalia, initially funded by the UN Secretary-General's Peacebuilding Fund (PBF) and the UN Trust Fund for Human Security (UN TFHS). The project, whose name in English means "unity," was implemented in areas with large displacement crises caused by the effects of armed conflict and violence as well as drought, famine and floods. The Midnimo project seeks to promote durable solutions, increase social cohesion with host communities and improve local governance in urban and peri-urban areas through the development and implementation of participatory community plans and land legal frameworks, that include participatory land and urban planning and land dispute resolution.<sup>50</sup> Communities involved in the project "identified the participatory process so far to be beneficial to the community in bringing about cohesion and integration; improving the relationship between the community and local authorities; and responding to the needs of the community."<sup>51</sup>

### 3. Problematic Assumptions

#### 3.1 Disaster affected persons, not IDPs?

Natural hazards and their effects do not differentiate between displaced and non-displaced persons. Disaster-affected persons, whether displaced or not, may have very similar needs regarding food, water or access to medical services during the emergency phase. Furthermore, some among the displaced may find temporary solutions with family and friends before they can return to their homes after a few days or weeks where, however, they might have prolonged humanitarian needs because recovery is slow. This might explain why humanitarian actors, as well as governments, traditionally had a tendency to neglect internal disaster displacement as a specific issue and lump IDPs together with other disaster-affected persons who are vulnerable and in need of assistance. Thus, for instance, it took seven editions for the UN Disaster Assessment and Coordination (UNDAC) Field Handbook<sup>52</sup> to include internal disaster displacement as a specific issue and protection mainstreaming more generally. While the majority of national laws and policies on disaster management address evacuation, almost all, with a few exceptions,<sup>53</sup> remain silent on finding durable solutions for internal displacement.<sup>54</sup> While many laws and policies on internal displacement cover situations of conflict and disaster, some countries exclude the latter from the definition of an internally displaced person.<sup>55</sup>

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<sup>50</sup> Axiom and IOM, [Final Report for Midterm Evaluation of Midnimo Project to Maximize Peacebuilding Impact in Jubbaland, South West and Hirshabelle States, Somalia](#), 7th February 2019, p. 7. The project's first phase was implemented by IOM and UN Habitat, which are currently joined by UNDP for the project's second phase.

<sup>51</sup> Ibid., p. 4.

<sup>52</sup> OCHA, [United Nations Disaster Assessment and Coordination UNDAC Field Handbook](#), United Nations, 7th Edition, 2018.

<sup>53</sup> See the examples of Vanuatu and Fiji below, section III.5.

<sup>54</sup> For a detailed review of disaster risk reduction laws and policies with respect to human mobility, see Yonetani (n 41).

<sup>55</sup> Colombia, e.g., has adopted Law 387 in 1997 regarding IDPs displaced by conflict but it does not have a law addressing disaster displaced persons. El Salvador's Decreto No 539, Ley especial para la atención y protección integral de personas en condición de desplazamiento forzado interno (23 January 2020) is also limited to persons displaced by conflict, violence and human rights violations.

Attitudes are slowly changing today,<sup>56</sup> but it is still important to highlight that IDPs have specific needs not shared by non-displaced people in disaster contexts. For instance, only IDPs need to find refuge in a new location. Only IDPs need protection against potential discrimination if they are perceived as competing for access to resources, livelihoods and basic services by host community members. And only IDPs need to find a durable solution to their displacement, which can be extremely difficult particularly if they cannot return to their homes.

### 3.2 No protracted internal displacement?

According to the Inter-Agency Standing Committee (IASC) *Framework on Durable Solutions for Internally Displaced Persons*, “a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.”<sup>57</sup>

In many disaster situations, there is an assumption that evacuees or otherwise displaced people will go back to their homes as soon as the hazard ends and start to repair or rebuild them. While this is often true, finding a durable solution cannot simply be equated with the physical return home. In many return situations, the conditions are not conducive to finding durable solutions because they lack access to basic infrastructure and social services. This is especially the case in the event of large-scale events, such as earthquakes causing severe damage to infrastructure and housing that will take years to rebuild. In other cases, displaced people may also choose to return to unsafe areas to maintain their livelihoods or sustain cultural connections to the land.

The impacts of a disaster may also render areas uninhabitable, or it may be determined that an area faces disaster risk levels too high for human habitation. Thus, it is also not uncommon for disaster displacement to become protracted when return is not possible and measures to relocate or locally integrate displaced people remain limited or are absent.<sup>58</sup>

Global figures do not record the number of people in protracted displacement, because longitudinal data is rarely collected to monitor whether displaced people have found a durable solution following disasters.<sup>59</sup> However, IDMC reported in 2015, that “[a]mong a sample of 34 ongoing cases of displacement following disasters documented in 2015, there were hundreds of thousands of people identified as living in protracted displacement for periods ranging between one and 26 years”.<sup>60</sup> In Japan, for example, from among the 470,000 persons displaced in 2011 by the tsunami and Fukushima disaster, 119,000 persons were still IDPs at the end of 2016.<sup>61</sup> In Somalia, it is estimated that drought was the main driver of the displacement of 1.3 million IDPs

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<sup>56</sup> See, e.g., the inclusion of internal displacement in the most recent edition of the UNDAC Field Handbook (n 52).

<sup>57</sup> UN Human Rights Council, Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin, Addendum, *Framework on Durable Solutions for Internally Displaced Persons*, UN doc A/HRC/13/21/Add.4 (29 December 2009), p. 6.

<sup>58</sup> For examples related to Haiti and the Philippines, see Ponserre and Ginnetti (n 12), p. 15.

<sup>59</sup> *Ibid.*, p. 25.

<sup>60</sup> IDMC, *Global Report on Internal Displacement 2016 (GRID 2016)*, Geneva, May 2016, p. 29, referencing IDMC, *Global Estimates 2015: People displaced by disaster*, Geneva, July 2015, pp. 92-99.

<sup>61</sup> IDMC, *Global Report on Internal Displacement 2017 (GRID 2017)*, Geneva, May 2017, p. 44. See also Yonetani (n 35).

now living in protracted displacement in and around urban areas, with most of them arriving during the 2011-2012 famine and 2016-2017 droughts.<sup>62</sup> In Ethiopia, there are presently almost 390,000 drought affected IDPs living in 240 sites,<sup>63</sup> most of whom arrived during the 2015 and 2017 droughts. The 2010 earthquake in Haiti provides another example of protracted displacement.<sup>64</sup>

While the overall number of IDPs living in protracted displacement following disasters is likely to be lower than in conflict situations, these examples show that such protracted disaster displacement is already a current reality. Looking to the future, climate-change scenarios indicate greater swaths of coastal zones will become uninhabitable due to sea-level rise and that desertification will expand, among other impacts. Because coastal areas are also economic centers for industries such as fishing and tourism, future displacement risk is also linked to the growing number of people moving to coastal areas to benefit from these economic opportunities. At the same time, people too poor to opt for planned migration risk “experie[n]c[ing] higher exposure to extreme weather events [...], particularly in developing countries with low income.”<sup>65</sup> Consequently, people who are “trapped” by poverty face higher risks than those with the means and opportunity to move to safer locations within their own country or abroad before extreme environmental degradation or disasters put their lives and well-being at stake.<sup>66</sup>

These risks create the potential for large-scale protracted displacement, given the growing number of people living in high-risk zones and the potential that return to affected areas will not be possible and that alternative solutions will be too costly or simply impossible due to a lack of land for relocation.

### **3.3 Only a few displacement-related protection challenges?**

Another common assumption is that the rights of internally displaced persons are better protected in disaster situations and that protection challenges are thus less prevalent than in conflict situations. As a consequence, protection risks are neglected in the disaster response, particularly when the agency tasked with leading the Protection Cluster<sup>67</sup> only focuses on a limited set of protection issues<sup>68</sup> or the cluster is seriously underfunded.

In reality, disaster displaced people face numerous protection challenges during their displacement.<sup>69</sup> As recognized by the *IASC Operational Guidelines on the Protection of Persons in*

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<sup>62</sup> The Ministry of Planning, Investment and Economic Development, [Somalia National Development Plan 2020 - 2024](#), p. 94, figure 26.

<sup>63</sup> IOM, [Ethiopia National Displacement Report 3 Round 20: November — December 2019](#), p. 2.

<sup>64</sup> IDMC, *Global Report on Internal Displacement* (GRID 2018), Geneva, May 2018, p. 31.

<sup>65</sup> *Ibid* p. 20.

<sup>66</sup> Foresight, [Migration and Global Environmental Change](#), Final Project Report, London: The Government Office for Science, 2011, pp. 29 and 73.

<sup>67</sup> In disaster situations UNHCR, UNICEF and OHCHR will agree among themselves on the leadership of the protection cluster. Global Protection Cluster, [“Field Protection Cluster Coordinator Model Terms of Reference”](#), April 2014, footnote 1.

<sup>68</sup> In many disasters, protection strategies focus on women and children, neglecting other protection issues, such as housing, land and property issues.

<sup>69</sup> Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, Addendum, Protection of Internally Displaced Persons in Situations of Natural Disasters, UN Doc

*Situations of Disaster*, these protection challenges relate to the short-term needs protected by human rights, including the right to protection of life or the right to access life-saving food, water, shelter or health services for wounded people. They also address less immediate needs, such as family separation, lost identity documents, and housing, land and property rights.<sup>70</sup>

IDPs in conflict situations have many of the same needs but, as highlighted by the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, in disaster situations “disregard for the human rights of the victims is not necessarily intentional, but often results from inappropriate policies, a lack of capacity or simple neglect or oversight.”<sup>71</sup> Thus, disaster prevention and preparedness activities can reduce or avoid many protection risks that IDPs face.

To better understand the common protection challenges internally displaced persons face in disasters, it is useful to distinguish four categories:<sup>72</sup>

- (1) ***Disaster-related effects***: Some protection risks are inherent to disaster situations themselves. Even with the best disaster risk reduction and contingency planning measures in place, some hazards will result in wide scale death, injury, destroyed infrastructure, and displacement. Amidst this destruction, displacement can enable affected populations to escape dangerous areas. In situations that require States to facilitate or order evacuations to save lives and protect people from injury, such measures should be carried out with respect for the dignity and security of those affected and not last longer than required by the circumstances.<sup>73</sup> IDPs may face continuing or secondary hazards, such as aftershocks or landslides, where they take refuge,<sup>74</sup> or, in mixed disaster and conflict scenarios, dislodged landmines and unexploded ordinances. Family members are also often

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A/HRC/10/13/Add.1 (5 March 2009) para. 4. On the protection needs of disaster-displaced persons see also, Office of the High Commissioner for Human Rights (OHCHR), *Protection of Internally Displaced Persons in Situations of Natural Disasters. A Working Visit to Asia by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin 27 February to 5 March 2005* (OHCHR, 2005); Regional Office for the Pacific, “Protecting the Human Rights of Internally Displaced Persons in Natural Disasters – Challenges in the Pacific”, OHCHR, Discussion Paper, 2011, 4ff; C Beyani, *Report of the Special Rapporteur on the human rights of internally displaced persons: Addendum, Mission to Maldives*, UN Doc. A/HRC/19/54/Add.1 (HRC, 30 January 2012); Human Rights Council, Final research-based report of the Human Rights Council Advisory Committee on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations, UN Doc A/HRC/28/76 (10 February 2015), paras. 29-36; C Beyani, *Report of the Special Rapporteur on the human rights of internally displaced persons: Addendum, Mission to Haiti*, UN Doc. A/HRC/29/34/Add.2 (HRC, 8 May 2015); Walter Kälin and Hannah Entwisle Chapuisat, “Displacement in the context of disasters and adverse effects of climate change” in Susan Breau and Katja Samuel (eds), *Research Handbook on Disasters and International Law*, Edward Elgar, 2016, pp. 358, 367-70.

<sup>70</sup>IASC, [Operational Guidelines on the Protection of Persons in Situations of Natural Disasters](#), January 2011.

<sup>71</sup> Report of the Representative of the Secretary-General (n 69), para. 5.

<sup>72</sup> This section draws from Hannah Entwisle, [“The World Turned Upside Down: A Review of Protection Risks and UNHCR’s Role in Natural Disasters”](#), UNHCR Policy Development and Evaluation Service and Division of International Protection, PDES/103/03, UNHCR, Geneva, 2013, pp. 11-30.

<sup>73</sup> UN Human Rights Commission, “Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39 – Addendum: Guiding Principles on Internal Displacement” (11 February 1998) UN Doc E/CN.4/1998/53/Add.2 (1998), principles 6(2)(d) and (3) and 8; African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), (adopted 23 October 2009; entered into force 6 December 2012), art. 4(3)(f).

<sup>74</sup> Entwisle (n 72), p. 13. See also Guiding Principles (n 73), principle 7(2).

involuntarily separated during flight and need to be reunited.<sup>75</sup> Furthermore, psychological stress and trauma experienced by many IDPs<sup>76</sup> if left unaddressed can create other health issues, contribute to inter-personal violence including sexual and gender-based violence, and impact IDPs' ability to restart or sustain their livelihood and educational activities,<sup>77</sup> particularly when disasters occur regularly.<sup>78</sup>

Other typical protection needs include the replacement of essential legal documentation left behind or destroyed in the disaster<sup>79</sup> that is necessary for accessing assistance and compensation, finding employment, or enrolling children in schools.<sup>80</sup> However, disasters may destroy government buildings or ruin official records, making replacement or registration of new births and marriages extremely challenging.<sup>81</sup> Similarly, a collapse of law and order triggered by a disaster may overwhelm the capacity of police forces who might already have been weakened by the loss of life and assets.<sup>82</sup> Authorities may also lack the will or capacity to protect land and property left behind from occupation or looting.<sup>83</sup> In some cases, the destruction of productive assets, as opposed to housing, is the ultimate cause of the displacement, such as the case of pastoralists whose livestock die because of drought.<sup>84</sup>

- (2) **Exacerbation of pre-existing vulnerabilities:** Other protection challenges have their roots in the fact that disasters often exacerbate pre-existing vulnerabilities, amplifying protection concerns for IDPs and inhibiting their ability to rebuild their lives. Poor people living in areas with exposure to natural hazards, such as flood plains or on steep hillsides, face higher displacement risks than those staying in safer areas.

During displacement, women and children are often more susceptible to domestic violence, gender-based-violence and other forms of abuse while living in camps or with host families,<sup>85</sup> and they may face higher risks of trafficking.<sup>86</sup> More generally, pre-existing

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<sup>75</sup> Guiding Principles (n 73), principle 17; Kampala Convention (n 73) art. 9(2)(h). Splitting up households may also be a coping strategy, e.g., when children and women stay with family members, while husbands and older sons return to rebuild housing and other community infrastructure and to sustain livelihood opportunities.

<sup>76</sup> Robert Turner and others, "Myanmar: Inter-Agency Real Time Evaluation of the Response to Cyclone Nargis", OCHA, 2008.

<sup>77</sup> Susan H Bland and others, "Long-Term Psychological Effects of Natural Disasters" (1996) 58 *Psychosomatic Medicine*, p. 18.

<sup>78</sup> Recognizing the cyclical nature of typhoon season, protection actors in the Philippines noted the need for community-based psychosocial assistance following a 2008 typhoon that caused widespread stress. Entwisle (n 72), p. 15.

<sup>79</sup> Guiding Principles (n 73), principle 20.

<sup>80</sup> Susanne Ringgaard Pederson, "End of Mission Report, SOP OCHA Myanmar".

<sup>81</sup> Entwisle (n 72), p. 15.

<sup>82</sup> See for instance, the case of Haiti after the 2010 earthquake. Entwisle (n72), p. 22.

<sup>83</sup> Guiding Principles (n 73), principles 21 and 29(2).

<sup>84</sup> Nina Schrepfer and Nina Caterina, *On the Margin: Kenya's Pastoralists*, IDMC, Geneva, 2014.

<sup>85</sup> For example, in cyclone affected areas of Myanmar, women reported higher incidents of domestic violence, forced prostitution and incidents of trafficking. Ringgaard Pederson (n 80), p. 10.

<sup>86</sup> E.g., in the aftermath of the 2015 earthquake in Nepal, the Government of Nepal, working in collaboration with UNICEF, intercepted an estimated 245 attempts to traffic or illegally place children in care facilities. Child trafficking to India was already a problem prior to the earthquake. Press Centre, "[Nepal Earthquakes: UNICEF Speeds up Response to Prevent Child Trafficking](#)", UNICEF, 19 June 2015. See also Entwisle (n72), pp. 23–24.



weaknesses of the rule of law and patterns of human rights abuses might impact victims of such violations more seriously in disaster situations than in a context where their resilience or the possibility to receive family and community support would be higher.

Pre-existing patterns of discrimination may also perpetuate in disaster relief efforts, even though States are prohibited from discriminating against IDPs.<sup>87</sup> This may include, for example, not providing the same levels of assistance to different groups of IDPs, favoring IDPs associated with particular political groups, or neglecting ethnic, religious, and other minorities or indigenous peoples.<sup>88</sup>

- (3) **Humanitarian response delivery:** Protection concerns can arise for IDPs if adequate measures are not taken to protect their rights as part of the humanitarian response. This is a particular problem in countries that are under-prepared for disasters in general or which are simply overwhelmed by the number and scale of hazards that impact them.

Assisting IDPs begins with identifying their number and location. However, national disaster data collection systems often do not include IDPs as a specific population of concern, nor are data on affected populations disaggregated by gender or age.<sup>89</sup> Even when recognized as a group with specific needs, IDPs do not always have equal access to humanitarian protection and assistance. Operational realities may favor IDPs who are more easily accessible in officially designated camps or close to urban areas.<sup>90</sup> Humanitarian actors may fail to sufficiently take into account the challenges individuals with limited mobility or strength, such as women carrying small children, persons with disabilities, or older persons face in collecting their assistance.<sup>91</sup> In some cases, assistance has been linked to an IDP status granted only to people living in official camps, thus excluding IDPs living with host families or in informal camp sites, even though they have the same right to receive humanitarian protection and assistance.<sup>92</sup> Inadequate lighting, lack of separate toilets and bathing facilities for women, or child-safe spaces are among the factors that fail to meet IDPs' basic safety and security needs in camps or collective shelters.<sup>93</sup> Finally, despite progress made in being more accountable to affected people, experience shows that IDPs are still all too often not provided with meaningful opportunities to be consulted or contribute to decisions that affect them, particularly with respect to plans to find durable solutions.<sup>94</sup>

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<sup>87</sup> Ibid principle 1; Kampala Convention (n 73), arts 1(2)(d), 5(1) and 9(1).

<sup>88</sup> See Kälin (n 69), p. 15.

<sup>89</sup> Notably, UN Disaster Assessment and Coordination (UNDAC) emergency teams are now trained to collect data on displacement and to identify the protection needs of particularly vulnerable groups at the earliest stage of the response. See UNDAC Field Handbook (52). See also, Kampala Convention (n 73) art 9(2)(c).

<sup>90</sup> See, e.g., Marc DuBois, Paul Harvey and Glyn Taylor, "[Rapid Real-Time Review DFID Somalia Drought Response](#)", *Humanitarian Outcomes*, January 2018, p. 25.

<sup>91</sup> See Grünewald and Binder (n 48), p. 41 regarding airdrops.

<sup>92</sup> Guiding Principles (n 73), principle 15(a).

<sup>93</sup> OCHA, "Indian Ocean Earthquake-Tsunami 2005 Mid-Term Review of the Flash Appeal", United Nations, 2005, p. 117.

<sup>94</sup> Kälin, Working visit (n 69), p. 21.

Lack of humanitarian access is a common feature of conflicts, but it may also be a problem in disaster situations. Although States are primarily responsible to assist disaster-affected populations within their territory and not required to accept international offers of assistance, international human rights law may oblige States to request international assistance where they are unable or unwilling to provide live-saving assistance,<sup>95</sup> as well as grant humanitarian access unless there are legitimate reasons to deny it despite pressing humanitarian needs.<sup>96</sup> However, in some situations, States have heavily restricted or denied humanitarian access to reach politically sensitive or politically insecure areas, despite evidence of needs.<sup>97</sup> While military actors play an important role in responding to disasters, they may potentially jeopardize the humanitarian nature of the response where disasters occur in a conflict scenario,<sup>98</sup> especially if they are not trusted by IDPs, have been known to commit human rights abuses against communities to which IDPs belong, or favor particular groups of IDPs.

- (4) **Durable solutions programming:** As soon as the immediate impacts of disaster have been addressed, governments are eager to return to normal as quickly as possible.<sup>99</sup> In many situations, the physical return to a place of origin may incorrectly be understood as indicating that IDPs have found a durable solution. In some operations, Governments may unilaterally decide that an emergency phase ends by a certain date, prematurely closing camps and collective centers or even forcibly evicting IDPs before measures are in place to adequately support solutions, leaving IDPs without safe housing.<sup>100</sup> Other problems related to housing, land and property rights include solutions that favor landowners over tenants or people with informal agreements, who may be excluded from recovery and compensation schemes.<sup>101</sup> Invoking the principle of “building back better,” governments may also use disaster situations as an opportunity to prohibit reconstruction in areas

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<sup>95</sup> Guiding Principles (n 73), principle 25. ILC Draft Articles (n 96) art 14(2).

<sup>96</sup> See Guiding Principles (n 73), principle 25 and ILC, “Draft Articles on the Protection of Persons in the Event of Disasters”, *Report of the International Law Commission: Sixty-Eighth Session* (2 May–10 June and 4 July–12 August 2016), UN Doc A/71/10 13-73, 13–73, art. 12(1), art. 14(2) on arbitrary denial of humanitarian access, i.e. denial of access in situations where the State is unable to provide humanitarian assistance necessary for the survival of persons affected by a disaster and no legitimate reasons to deny access exist.

<sup>97</sup> In the case of Myanmar, the Government did not initially allow international actors to access areas affected by Cyclone Nargis. Entwisle (n 72), p. 17.

<sup>98</sup> For instance, following the 2004 Tsunami in Indonesia, international aid workers required a military escort to access affected areas outside the city of Banda Aceh. Entwisle (n 72), p. 17; Laurel Fletcher and Harvey Weinstein (eds), *After the Tsunami: Human Rights of Vulnerable Populations*, Human Rights Center, University of California, Berkeley and East-West Center, 2005, p. 93.

<sup>99</sup> IDPs themselves often want to return as quickly as possible to assess and protect land and assets left behind. Private landowners who temporarily hosted emergency tented camps want to return their land to other use. Governments also need to re-open schools and public buildings that were repurposed as temporary shelter.

<sup>100</sup> In Haiti, an estimated 70,000 people had been forcibly evicted from camps after the 2010 earthquake, despite not having an alternative housing solution. See “[Haiti: UN Concerned at Forcible Evictions of Quake Survivors from Camps](#)”, *UN News*, 13 September 2011, and Entwisle (n 72), p. 27 regarding problems in the aftermath of the 2008 Pakistan flooding.

<sup>101</sup> Entwisle (n 72), p. 29.

deemed too dangerous for habitation in a discriminatory manner, rather than as required by the circumstances.<sup>102</sup>

#### 4. Problems Related to International Responses

In recent decades, States and the international community have made considerable progress in preparing for, preventing and responding to both sudden-onset and slow-onset disasters, including in particular drought. Many countries were able to substantially reduce the number of persons killed in sudden-onset disasters such as flooding or tropical storms, or even earthquakes, such as through improved early warning mechanisms. In many disasters, countries and the international community were very well prepared, with their emergency assistance delivered as effectively as possible under the circumstances. However, as evidenced by the reality of protracted internal displacement in certain disaster situations (above, section II.3.2), efforts to help displaced people and the broader affected communities to rebuild their lives in the aftermath of a disaster have not always been successful.

One way to identify key challenges present in disaster situations is to identify common themes that emerged in the evaluations of international responses to both sudden and slow-onset disasters that triggered mass displacement. An analysis of selected evaluations, covering the 2005 Indian Ocean tsunami,<sup>103</sup> the 2010 Haiti earthquake,<sup>104</sup> the 2013 Typhoon Haiyan,<sup>105</sup> the 2015 Nepal earthquake,<sup>106</sup> the 2016/17 Somalia drought<sup>107</sup> and the 2015-2018 Ethiopia drought,<sup>108</sup> indicates that many of the same weaknesses have arisen over the past 15 years, despite the diversity of contexts, including:

- *Lack of recognition of disaster displacement as a specific aspect of disaster management:* While some evaluations include internal displacement more or less systematically,<sup>109</sup> others only mention the number of IDPs but do not recognize internal displacement as a specific issue.<sup>110</sup> This arguably reflects operations that did not recognize or understand disaster displacement as a phenomenon that produces specific protection needs. Consequently, for instance, IDP protection considerations were not mainstreamed across

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<sup>102</sup> Kälén, Working visit (n 69), p. 23.

<sup>103</sup> Tsunami Evaluation Coalition, [Synthesis Report: Expanded Summary, Joint evaluation of the international response to the Indian Ocean tsunami](#), January 2007.

<sup>104</sup> See Grünewald and Binder (n 48).

<sup>105</sup> Inter-Agency Humanitarian Evaluation Steering Group, [IASC Inter-agency Humanitarian Evaluation of the Typhoon Haiyan Response](#), OCHA, 2014. Itad, Final Report, [Evaluation of DFID'S Humanitarian Response to Typhoon Haiyan \(Yolanda\)](#), UK Department for International Development, May 2015.

<sup>106</sup> Gert Venghaus et al, *IFRC/NRCS, Final Evaluation – Nepal Earthquake Response Operation*, Global Emergency Group, Winchester, 28 June 2019. WFP, [Decentralized Evaluation - End-Term Evaluation of Protracted Relief and Recovery Operation \(PRRO\) in Dhading, Gorkha and Nuwakot districts of Nepal](#), April, 2016 to December 2018 Evaluation Report, August 2019.

<sup>107</sup> DuBois et al, Somalia evaluation (n 90). Maxine Clayton, Ahmed Abdi Ibrahim and Badra Yusuf, [The 2017 pre-famine response in Somalia - Progress on reform?](#), Overseas Development Institute, January 2019.

<sup>108</sup> Inter-Agency Humanitarian Evaluation Steering Group, [Inter-Agency Humanitarian Evaluation of the Drought Response in Ethiopia 2015 - 2018](#), Final version, November 2019.

<sup>109</sup> See, in particular, the Haiti (n 104), Somalia (n 107) and Haiyan (n 105) evaluations.

<sup>110</sup> See, in particular the Indian Ocean tsunami (n 103), Nepal earthquake (n 106) and Ethiopia (n 108) evaluations.

the response, IDPs living outside of camps were excluded from the response, and, durable solutions, in particular, received insufficient attention.

- *Insufficient disaster prevention and preparedness:* While some countries with recurrent sudden or slow-onset disasters are very well prepared to respond to such situations, a lack of preparedness for disasters more generally, and in particular with regard to displacement related issues such as protection in or outside of camps and collective shelters or durable solutions, on the side of authorities as well as international actors hampers the response to disaster displacement. On the side of humanitarian actors, response capacities in disaster-prone countries like Haiti, for instance, were limited “because they were not prepared for a disaster in an urban context”<sup>111</sup> even though the earthquake risk was well known. Despite a history of recurrent droughts in Somalia, “[t]here was no clear evidence of collective preparedness and contingency plans for early action linked to longer-term planning [...]; and overall levels of readiness for a largescale drought.”<sup>112</sup> These examples indicate that disaster prevention and preparedness all too often does not figure high enough on the list of priorities of governments, local communities and citizens.<sup>113</sup>
- *Top-down interventions by the international community sidelining and undermining governmental actors:* While many countries have elaborate systems and impressive capacities to manage disaster risks and respond when disasters arise, activities by international actors can work to undermine governmental efforts. Thus, for instance, during the Indian Ocean tsunami response, “international actors reduced local and national ownership of response as agencies sometimes brushed local capacities aside and set up parallel mechanisms”.<sup>114</sup> During the Haiyan response in the Philippines, international actors “failed to adequately join up with national systems, and ended up creating parallel structures for planning and coordination” which “were not adjusted sufficiently nor early enough to take account of the international community’s complementary role in this middle income country with an established albeit stretched government disaster management system.”<sup>115</sup> International actors’ “lack of knowledge of national systems, combined with a sense of urgency to move ahead with their operations, was often perceived by national counterparts as arrogance and disrespect.”<sup>116</sup> A disconnect between the government social safety net program for rural areas and humanitarian food aid was identified in the Ethiopian drought response.<sup>117</sup> In Somalia, the need for “principled engagement with government and local authorities at national, regional and local levels to encourage and support them to fulfil their responsibilities to

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<sup>111</sup> Haiti evaluation (n 48), p. 11.

<sup>112</sup> Clayton et al (n 107), p. 19.

<sup>113</sup> This may also be true for countries in the global North. For the USA, see Sean Wilson, Bethany Temple, Mark Milliron, Calixto Vazquez, Michael Packard & Bruce Rudy. “The Lack of Disaster Preparedness by the Public and it’s Affect on Communities”, *The Internet Journal of Rescue and Disaster Medicine*. 2007 Volume 7, Number 2.

<sup>114</sup> Indian Ocean tsunami evaluation (n 103), p. 11.

<sup>115</sup> IASC Inter-agency Humanitarian Evaluation (n 105), p. 6.

<sup>116</sup> *Ibid.*, p. 41.

<sup>117</sup> Ethiopia evaluation (n 108), p. 3, para. 6.

assist and protect their own citizens” was identified, too.<sup>118</sup> Interlocutors “felt that the level of engagement with government has not as yet gone beyond a ‘box-ticking’ exercise, and that international agencies responsible for developing the Humanitarian Response Plan (HRP), in particular, are merely gathering government staff together in a room without ensuring that the right offices are represented, or giving participants the opportunity to edit, improve on and add data on highlighted priorities.”<sup>119</sup> The evaluation also found that agencies rarely “go through technical departments or engage directly with political leaders in ministries and the prime minister’s office.”<sup>120</sup>

- *Lack of real participation of and accountability to affected communities:* According to the Indian Ocean tsunami evaluation, international actors “ignored local structures and did not communicate well with local communities nor hold themselves accountable to them.”<sup>121</sup> One reason identified was the “huge amounts of funding [which] encouraged a virtual obsession with “upward” accountability to donors, the media and the public in donor countries.”<sup>122</sup> Similarly, in Haiti “[t]he affected population was largely excluded from the design and implementation of the response because assessments did not include an analysis of existing local capacities”, a failure that impacted the effectiveness of the international response because actors “thus lacked local knowledge about social structures, coping mechanisms,” etc.<sup>123</sup> Lack of accountability was also mentioned as a weakness of the Ethiopia<sup>124</sup> and Somalia<sup>125</sup> drought responses. In Somalia, communities were not consulted “on their preferences and designed proposals in line with community priorities” and “programmes were often driven by donor or NGO priorities” rather than the priorities of affected communities.<sup>126</sup> Thus, while progress has been made to implement multi-stakeholder, collective accountability approaches that are implemented by international and national responders in support of government mechanisms,<sup>127</sup> ensuring real participation of and accountability to affected communities remains a challenge.
- *Insufficient focus on solutions:* One identified weakness of the tsunami response was “programmes that did not support recovery and long term development”<sup>128</sup> or lacked the necessary quality to have a long-term impact.<sup>129</sup> Sustainability of solutions-oriented investments was also a challenge in Nepal.<sup>130</sup> In Ethiopia, the response did “not sufficiently

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<sup>118</sup> DuBois et al, Somalia evaluation (n 90), p. 34. Similarly Clayton et al (n 107), p. ix.

<sup>119</sup> Clayton et al (n 107), p. 19.

<sup>120</sup> Ibid.

<sup>121</sup> Indian Ocean tsunami evaluation (n 103), p. 4.

<sup>122</sup> Indian Ocean tsunami evaluation (n 103), p. 11.

<sup>123</sup> Haiti evaluation (n 104), p. 11.

<sup>124</sup> Ethiopia evaluation (n 108), p. 68, paras. 225 and 73, para. 349.

<sup>125</sup> DuBois et al, Somalia evaluation (n 90), p. 31.

<sup>126</sup> Clayton et al (n 107), p. 12.

<sup>127</sup> See Bronwyn Russel, “Re-centering our focus in humanitarian response”, 2019 *Humanitarian Exchange* 74, pp. 11-14 on the Nepal Inter Agency Common Feedback Project (CFP), set up in the context of the Nepal 2015 earthquake response, and Stewart Davies, “The Central Sulawesi Earthquake Collective Accountability Approach: a case study of affected people influencing disaster response and recovery”, *ibid.*, pp. 44-46.

<sup>128</sup> Indian Ocean tsunami evaluation (n 103), p. 33.

<sup>129</sup> *Ibid.*, p. 17 f.

<sup>130</sup> Nepal Evaluation (n 106), p. 40.

focus on livelihood interventions and resilience”,<sup>131</sup> as evidenced by the fact that “[the] majority of respondents [...] saw the assistance as less useful in the longer- than in the shorter-term.”<sup>132</sup> One of the Somalia evaluations stressed the need to “manage the risks, not the crisis”; therefore, “protracted humanitarian responses should have, at the very least, a multi-year high-level strategic plan that sets out a vision for moving beyond the crisis, tailored to and built on area-based plans” with “larger investments in basic services such as education, health, infrastructure, agriculture and urban water and sewerage systems.”<sup>133</sup> The same evaluation therefore called for using “existing resources and capabilities better to reduce humanitarian needs over the long term, with a view to contributing to the objectives of the Sustainable Development Goals” and recommended to “[s]ignificantly increase prevention, mitigation and preparedness for early action to anticipate and secure resources for recovery.”<sup>134</sup>

- *Weak humanitarian – development nexus*: In Haiti, even 20 months after the earthquake “connections between the humanitarian community and development actors [were] limited” and still needed “to be guided by a consideration of national priorities”.<sup>135</sup> The Ethiopia drought response focused on food distribution and, due to a lack of funding, neglected agriculture and other livelihood assistance.<sup>136</sup> The evaluation found that “the missing links between humanitarian and development interventions remain[ed] a major concern” as “the most important unmet needs were related to recovery, the restoration of livelihoods, or the development of alternative livelihoods”.<sup>137</sup> The need to build coordination links “between humanitarian and development donors at field level through regular coordination fora, ensuring collective planning, action and progress tracking” was highlighted in Somalia.<sup>138</sup>
- *Problematic funding mechanisms*: The Indian Ocean Tsunami evaluation found that the present “system produces an uneven and unfair flow of funds for emergencies that neither encourages investment in capacity nor responses that are proportionate to need. [...] [D]onors often took decisions on funding the response based on political calculation and media pressure.”<sup>139</sup> In Haiti, “the fact that some donors insisted on continuing to distribute tents despite the recommendation of the shelter cluster not to do so, undermined more durable (though less aesthetic) solutions.”<sup>140</sup> In the Ethiopia drought responses, even though constructing permanent water schemes rather than trucking water would have been less costly as well as more efficient and sustainable, certain donors did not allow

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<sup>131</sup> Ethiopia evaluation (n 108), p. 57, para. 179.

<sup>132</sup> Ibid., para. 181. See also p. 58, para. 183.

<sup>133</sup> Clayton et al (n 107), p. 7.

<sup>134</sup> Ibid., p. 18.

<sup>135</sup> IASC, [InterAgency Real-Time Evaluation of the Humanitarian Response to the Earthquake in Haiti – 20 months later](#), January 2012, p. 41, para. 85.

<sup>136</sup> Ethiopia evaluation (n 108) , p. 41, para. 135 and 42, para. 138.

<sup>137</sup> Ibid., p. 61, paras. 195 and 196.

<sup>138</sup> Clayton et al (n 107), p. ix.

<sup>139</sup> Indian Ocean tsunami evaluation (n 103), p. 4.

<sup>140</sup> Haiti evaluation (n 48), p. 48.

their funds to be used for such purposes.<sup>141</sup> Overall, “the reluctance to fund resilience-oriented humanitarian programs” contributed to the lack of long-term impact of the Ethiopian drought response.<sup>142</sup> In Somalia, interlocutors felt “that donors could provide more incentives for actors [...] to coordinate across the humanitarian and development ‘divide.’”<sup>143</sup>

### III. WHAT STATES AND OTHER ACTORS ARE EXPECTED TO DO

#### 1. Policy Options

As discussed above (section II.2.1) disaster displacement is a consequence of the interaction between a hazard, exposure and vulnerability.<sup>144</sup> This understanding facilitates the identification of a series of policy options to prevent internal displacement, namely to:

- (i) *Reduce hazards*, where possible, through the sustainable management of ecosystems and natural resources, and for those associated with climate change, the reduction of greenhouse gas emissions;
- (ii) *Reduce exposure* by helping people to move out of harm’s way either before or in the aftermath of a disaster, such as by preventing them from moving to high-risk areas through disaster-sensitive land use, zoning or urban planning, or as a last resort, planned relocation to safer locations; and
- (iii) *Reduce vulnerability*, and thus help people to stay, by measures that reduce disaster risks, help people adapt to climate change in situ, and more generally, build people’s resilience through development interventions that are in line with the Sustainable Development Goals.

Where these measures fail to prevent disaster displacement, it is necessary to:

- (iv) *Protect and assist* internally displaced persons in disaster contexts, and support them in their efforts to *find durable solutions* that end their displacement.

Thus, different tools exist to prevent, address and resolve disaster displacement. The implementation of such a *toolbox approach* requires sufficient capacity of actors (government entities, civil society organizations and exposed communities) at all levels, strong coordination and collaboration between them, and sufficient resources to address disaster displacement holistically.

All these interventions are not only highly desirable, but to a large extent are expected, or even required, by a multitude of legal and policy frameworks. These range from (i) legally binding international or regional treaties and legally non-binding, but highly authoritative, “soft law”

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<sup>141</sup> Ethiopia evaluation (n 108), p. 59, para. 187. The report mentions that “two months of water trucking for 2,000 people costs the same amount as a new permanent water scheme for the same number of people” (ibid.).

<sup>142</sup> Ibid., p. 60, para. 189.

<sup>143</sup> Clayton et al (n 107), p. 19.

<sup>144</sup> In reality, some of the same measures can reduce both exposure and vulnerability to natural hazards, such as building codes and urban planning.

instruments to (ii) policy and guidance documents adopted by international agencies and organizations, and (iii) national laws, policies and strategies.

## 2. Reducing and Eliminating the Adverse Effects of Environmental Change and Climate Change

Both the sustainable management of natural resources and climate change mitigation efforts play critical roles in preventing or mitigating the conditions that force people to move away from their homes. Unlike geophysical hazards (e.g., earthquakes, tsunamis and volcanic eruptions), some natural hazards such as flooding and landslides, as well as slower processes related to environmental degradation, can be reduced or even eliminated through the sustainable management of ecosystems and natural resources. Similarly, the adverse impacts of climate change, such as stronger cyclones, more frequent king-tides, drought, and sea-level rise, can be diminished by reducing greenhouse gas emissions.

Full implementation of the 2015 *Paris Agreement's*<sup>145</sup> commitment to “holding the increase in the global average temperature to well below 2°C above pre-industrial levels” would be the most effective, by limiting the temperature increase to 1.5°C<sup>146</sup> through a significant reduction of greenhouse gas emissions.<sup>147</sup> Under the Paris Agreement, Parties commit to developing nationally determined contributions (NDCs) setting out their respective efforts to reduce national emissions and adapt to the impacts of climate change. Parties shall submit new or updated NDCs beginning in 2020, with a global stocktaking exercise taking place every five years beginning in 2023 to assess progress in implementing the agreement.<sup>148</sup> Notably, mitigation measures include protecting and enhancing greenhouse gas sinks and reservoirs. While all mitigation efforts are important, they should not lead to displacement.<sup>149</sup>

Paragraph 9(e) of the Paris Agreement obliges states to build resilience not only through economic diversification, but also as part of the “sustainable management of natural resources”. In this regard, the 1992 Convention on Biodiversity (CBD) is particularly relevant. Ecosystems can, as was highlighted by the United Nations Environment Programme (UNEP), “play a crucial role in climate change mitigation, for example through carbon sequestration and the reduction of greenhouse gas emissions”.<sup>150</sup> Furthermore, they may buffer “societies from the impacts of climate change”, such as floodplains and mangrove forests that “provide natural protection against extreme weather events and rising sea levels”.<sup>151</sup> Consequently, the effects of both intact and restored ecosystems offer important contributions to reducing displacement risk. The 1994 UN Convention to Combat Desertification (UNCCD), with its aim to prevent land degradation in arid, semi-arid,

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<sup>145</sup> UNFCCC, Decision 1/CP.21, “Adoption of the Paris Agreement” (12 December 2015) UN Doc FCCC/CP/2015/L.9/Rev.1.

<sup>146</sup> *Ibid.*, art 2(a).

<sup>147</sup> Daniel Bodansky, Jutta Brunnée, Lavanya Rajamani, *International Climate Change Law*, OUP, 2017, pp. 131-36.

<sup>148</sup> For more detail, see UNFCCC, “Nationally Determined Contributions” <<https://unfccc.int/national>>.

<sup>149</sup> See Sara Vigil, “Displacement as a Consequence of Mitigation Policies,” *Forced Migration Review*. University of Oxford, no. 49, pp. 43–45.

<sup>150</sup> UNEP and World Conservation Monitoring Centre, “Addressing Climate Change: Why biodiversity matters”, 2014, p. 2.

<sup>151</sup> *Ibid.*



and dry sub-humid areas and mitigate drought,<sup>152</sup> is another important instrument to address hazards as key drivers of displacement and migration. The UNCCD 2018–2030 Strategic Framework explicitly recognizes UNCCD’s potential to reduce substantially migration forced by desertification and land degradation.<sup>153</sup>

### 3. Reducing Exposure

The risk of disaster displacement can be reduced by measures that minimize exposure to natural hazards. This may include measures that prohibit habitation in high-risk areas or that strengthen the capacity of communities at risk of displacement to cope with the impacts in the aftermath of sudden and slow-onset disasters. Tools to reduce exposure include disaster-sensitive land use, zoning or urban planning, the enforcement of building codes, and natural resource management. Climate change adaptation measures, such as the building of seawalls, dikes and other flood defenses play a critical role in reducing exposure. Reducing exposure may also mean moving people out of harm’s way before disasters strike, such as by facilitating planned relocation processes as a last resort, or providing pathways for regular migration within one’s own country or abroad.

*Planned relocation* as a process in which communities “are settled in a new location, and are provided with the conditions for rebuilding their lives” in order “to protect persons from risks and impacts related to disasters and environmental change” is another measure to reduce exposure. It is usually undertaken within countries, for instance to move villages away from eroding coastlines.<sup>154</sup> The Sendai Framework calls for the development of planned relocation policies for human settlements located in disaster risk-prone zones (para. 27(k)) and the “identification of areas that are safe for human settlement” (para. 30(g)). Planned relocation is a measure of last resort that must be undertaken with the consent of affected communities and with full respect for relevant human rights of relocated persons.<sup>155</sup> At national levels, Fiji which is already relocating villages away from eroding coastlines adopted guidelines on climate change related planned relocation<sup>156</sup> in 2018. Vanuatu’s 2018 National Policy on Climate Change and Disaster-Induced Displacement<sup>157</sup> also addresses planned relocation in disaster and climate change contexts. Practical guidance on such planned relocations has been elaborated by the United Nations High

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<sup>152</sup> Arts. 1, 2; National (art. 10) and sub-regional or regional (art. 11) action programmes are the main instruments to achieve these goals.

<sup>153</sup> Decision 7/COP.13 “The future strategic framework of the Convention” (23 October 2017) UN Doc ICCD/COP(13)/21/Add.1, annex – “UNCCD 2018–2030 Strategic Framework”, para. 5.

<sup>154</sup> See Government of Fiji, [Planned Relocation Guidelines – A framework to undertake climate change related relocation](#), (2018).

<sup>155</sup> ILA, Res 6/2018, Committee on International Law and Sea Level Rise, 78th Conference of the International Law Association, held in Sydney, Australia, 19–24 August 2018, annex – “Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise”, principle 6. On this and other requirements stemming from international human rights law, see Bruce Burson *et al*, “The Duty to Move People Out of Harm’s Way in the Context of Climate Change and Disasters”, *Refugee Survey Quarterly*, 37/4 (2018): pp. 379, 398-401.

<sup>156</sup> Government of Fiji, *Planned Relocation Guidelines* (n 154).

<sup>157</sup> Government of Vanuatu, [National Policy on Climate Change and Disaster-Induced Displacement](#), 2018.

Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and their partners.<sup>158</sup>

Regarding *migration*, the IPCC stressed that “[e]xpanding opportunities for mobility can reduce vulnerability” for populations at risk.<sup>159</sup> Thus, “[c]hanges in migration patterns can be responses to both extreme weather events and long-term climate variability and change, and migration can also be an effective adaptation strategy [...]”.<sup>160</sup> However, if circular, temporary, or permanent migration within or outside is irregular and not properly supported, people may be exposed to exploitation and discrimination and thus become even more vulnerable.<sup>161</sup> Few international instruments address how to use migration to reduce exposure to natural hazards.<sup>162</sup> Such pathways are particularly relevant for persons who seek temporary opportunities abroad as migrants to cope with the impacts of natural hazards, climate change, and environmental degradation and thus can profit from measures such as labour mobility schemes or free movement of persons regimes.

#### 4. Reducing Vulnerability

Several instruments address the need to manage displacement risks through reduction of vulnerability.

The legally non-binding but highly authoritative *Sendai Framework for Disaster Risk Reduction* (Sendai Framework), adopted in March 2015 and subsequently endorsed by the UN General Assembly,<sup>163</sup> acknowledges in its preamble that displacement is one of the devastating effects of disasters. The Sendai Framework encourages States to adopt “policies and programmes addressing disaster-induced human mobility to strengthen the resilience of affected people and that of host communities” (para. 30(l)). Other highly relevant provisions for the prevention of disaster displacement include the goal of a substantial reduction of the number of disaster-affected people by 2030 (para. 18 b), the “identification of areas that are safe for human settlement” (para. 30(g)) and the development of planned relocation policies for human settlements located in disaster risk-prone zones (para. 27(k)). The *Words into Action guidelines on Disaster Displacement*<sup>164</sup> published by UNDRR in 2019 provides practical guidance on how to

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<sup>158</sup> Brookings Institution, Georgetown University & United Nations High Commissioner for Refugees (UNHCR), [Guidance on Protecting People from Disasters and Environmental Change Through Planned Relocation](#), 7 Oct. 2015. See also Georgetown University, UNHCR & International Organization for Migration (IOM), [A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change](#), 2017.

<sup>159</sup> IPCC, *Climate Change 2014* (n 21), p. 20.

<sup>160</sup> *Ibid.*

<sup>161</sup> Koko Warner *et al.*, “Where the Rain Falls: Climate Change, Food and Livelihood Security and Migration: Global Policy Report”, UNU-EHS, 2012, p. 17.

<sup>162</sup> The legally non-binding *Global Compact on Migration* (GCM) is an exception with its commitment under Objective 5 to enhance *pathways for regular migration* in order to, inter alia, “respond to the needs of migrants in a situation of vulnerability”. Global Compact on Migration (n 1), para. 21. In the Horn of Africa, IGAD has elaborated a Protocol on Free Movement of Persons, which includes a specific provision on the right of disaster affected persons to make use of free movement. At the time of writing, the draft Protocol had been endorsed by ministers of IGAD member States but was awaiting adoption by the Heads of Government and State.

<sup>163</sup> Res 69/283, *Sendai Framework for Disaster Risk Reduction 2015–2030* (23 June 2015) UN Doc A/RES/69/283, annex II.

<sup>164</sup> UNDRR, *Disaster Displacement WiA* (n 42).

integrate disaster displacement into disaster risk reduction strategies. Recognizing their specific needs and vulnerabilities, IDPs should also be considered in broader DRR activities, such as those addressing biohazards.

With respect to displacement, the 2010 Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) in Cancun invited States to enhance their action on adaptation including by: “[m]easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels.”<sup>165</sup> Apart from this paragraph 14(f), the *Cancun Agreement* does not directly address displacement, but sets out important steps and recommendations to enhance action on climate change adaptation which, if implemented, can significantly contribute to reducing climate-related displacement risks. Among others, it calls for activities to help build the resilience of communities in the face of climate change impacts, such as impact and vulnerability assessments, strengthening institutional capacities, and strengthening data, information and knowledge systems.

More generally, the full implementation of the *Sustainable Development Goals* (SDGs) as set out in the 2030 Agenda for Sustainable Development (2030 Agenda) is also relevant to addressing disaster displacement. The 2030 Agenda refers to “more frequent and intense natural disasters” and related “forced displacement of people” as factors undermining development.<sup>166</sup> It also includes a commitment “to cooperate internationally to ensure [...] the humane treatment”, inter alia, of “displaced persons,”<sup>167</sup> and to build the resilience, inter alia, of those in vulnerable situations to climate-related extreme events and other disasters.<sup>168</sup> In this regard, Goal 13 – Take Urgent Action to Combat Climate Change and Its Impacts breaks new ground. The intention to “leave no one behind” when the goals are implemented to ensure equality, non-discrimination, equity and inclusion, as well as the reference to displaced persons and migrants among vulnerable groups establish a clear link between displacement, climate change, natural hazards, and development. The following goals are particularly relevant for people at risk of internal displacement (as well as IDPs in need of durable solutions): 1 on poverty, 4 on inclusive and equitable education, 5 on gender equality and the empowerment of women and girls everywhere, 8 on full and productive employment, 10 on reducing inequality within and among nations, 11 on making cities and human settlements inclusive, safe, resilient, and sustainable, and 16 on peace, justice, and strong institutions. Thus, the SDGs are important for building the resilience of people who are affected by disasters to prevent displacement, reduce displacement risks and address relevant drivers of irregular migration.

In addition to climate change adaptation measures such as infrastructure development to reduce exposure and the broader development actions included under the SDGs, adaptation efforts

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<sup>165</sup> United Nations Framework Convention on Climate Change Decision 1/CP.16, *The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Longterm Cooperative Action under the Convention*, FCCC/CP/2010/7/Add.1 (15 March 2011), para. 14(f).

<sup>166</sup> *Transforming Our World: The 2030 Agenda for Sustainable Development*, UN Doc. A/RES/70/1 (21 October 2015), para. 14.

<sup>167</sup> *Ibid.*, para. 29.

<sup>168</sup> *Ibid.*, Goal 1.5.

relevant to reducing displacement risk by reducing vulnerability, such as by supporting farmers to convert to drought resistant crops. Based on decision that gave effect to the Paris Agreement, a UNFCCC Task Force on Displacement was established under the Warsaw International Mechanism on Loss and Damage (WIM) “to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change”.<sup>169</sup> A first set of recommendations elaborated by the Task Force, and welcomed by the 24th Conference of the Parties to the UNFCCC (COP24) in 2018, calls on States to:

- “strengthen preparedness, including early warning systems, contingency planning, evacuation planning and resilience-building strategies and plans, and develop innovative approaches, such as forecast-based financing, to avert, minimize and address displacement related to the adverse impacts of climate change”,
- “[i]ntegrate human mobility challenges and opportunities into national planning processes, including nationally determined contributions” and
- “strengthen efforts to find durable solutions for internally displaced people when working to implement integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change, as appropriate”.<sup>170</sup>

The Task Force recommendations also invited United Nations agencies, relevant organizations and other stakeholders to support Parties in their efforts to access support and build regional and transboundary cooperation to ensure the provision of assistance and protection to people displaced in the context of climate change. Finally, the Task Force also invited “the Secretary-General to consider steps, including a system-wide strategic review, for greater coherence in the United Nations system to address human mobility in the context of climate change, and to facilitate the inclusion of integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change in the work of the envisaged high-level panel on internally displaced persons, as appropriate.”<sup>171</sup>

Climate change affects urban as well as rural areas. The 2016 New Urban Agenda recognizes that urban centers “often have characteristics that make them and their inhabitants especially vulnerable to the adverse impacts of climate change and other natural and human-made hazards,” and that commitments “to improving the resilience of cities to disasters and climate change” are particularly important.<sup>172</sup> Other voluntary international urban initiatives also work on topics related to climate change and urban adaptation and resilience building efforts, such as the Global Covenant of Mayors for Climate & Energy.<sup>173</sup>

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<sup>169</sup> UNFCCC, Decision 1/CP.21 (n 145), para. 49.

<sup>170</sup> COP24 (2018), “Report of the Warsaw International Mechanism for Loss and Damage associated with Climate Change”, Annex, Decision 10/CP.24, UN Doc FCCC/CP/2018/10/Add.1, para. 1 (g) (iii) – (v).

<sup>171</sup> *Ibid.*, para. 1(k). For more discussion, see Hannah Entwisle Chapuisat, *Recommendations for Integrated Approaches to Avert, Minimize and Address Displacement Related to the Adverse Impacts of Climate Change*, Task Force on Displacement, UNFCCC Warsaw International Mechanism for Loss and Damage, 2018.

<sup>172</sup> UN General Assembly, Resolution 71/256, *New Urban Agenda*, UN Doc A/RES/71/256 (2017), paras. 64 and 67. See also paras. 65 and 77 on disaster risk reduction.

<sup>173</sup> [www.globalcovenantofmayors.org](http://www.globalcovenantofmayors.org)

Regional frameworks, such as the *2017-2030 Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management*, have also included a range of policy options and measures that can avert, minimize and address disaster displacement.<sup>174</sup>

## 5. Protecting, Assisting and Finding Durable Solutions for IDPs in Disaster Contexts

The *UN Guiding Principles on Internal Displacement* cover all persons who have been forced or obliged to leave their homes “as a result of or in order to avoid the effects of [...] natural or human-made disasters”<sup>175</sup> regardless of whether these are sudden- or slow-onset. While legally non-binding, they “reflect and are consistent with international human rights law”<sup>176</sup> and have been recognized by the international community as an “important international framework for the protection of internally displaced persons”.<sup>177</sup> The Guiding Principles identify the human rights and guarantees that are relevant for the protection of IDPs and highlight the primary responsibility of national authorities to protect and assist IDPs as well as establish conditions for durable solutions (Principles 3 and 28).

Regarding the former, the *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*<sup>178</sup> provide operational guidance on how to protect the rights of disaster-affected persons, including IDPs. The *IASC Framework on Durable Solutions for Internally Displaced Persons*<sup>179</sup> is recognized as authoritative guidance on what is necessary to achieve solutions that are sustainable. The *Peninsula Principles on Climate Displacement within States*,<sup>180</sup> elaborated by a group of experts in 2013, contextualize the Guiding Principles for situations where people move within their countries due to the effects of climate change. They provide, for instance, detailed guidance for authorities of affected countries on how to conduct planned relocations (principle 10) or how to address land, housing and property issues (principle 11). These instruments are based on and reflect international human rights law.

At the regional level, the Guiding Principles are complemented by the legally binding *African Union Kampala Convention*.<sup>181</sup> The Convention is formulated in terms not of rights but rather the obligations of States and other actors.<sup>182</sup> Its article 5(4) on the obligations of States parties obliges them to “take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change.” The Convention also contains a

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<sup>174</sup> Pacific Community (SPC) and others, [Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management \(FRDP\) 2017-2030](#), 2016.

<sup>175</sup> Guiding Principles (n 73), Introduction, para. 2.

<sup>176</sup> Ibid, Introduction, para. 3.

<sup>177</sup> UNGA Res 60/01, “2005 World Summit Outcome” (24 October 2005) UN Doc A/RES/60/1, para. 132 and many subsequent resolutions by the UN General Assembly and Human Rights Council.

<sup>178</sup> IASC (n 70).

<sup>179</sup> UN Human Rights Council (n 57).

<sup>180</sup> Available at <http://displacementsolutions.org/peninsula-principles/> (accessed 7 April 2020). See also Scott Leckie and Chris Huggins (eds), *Repairing Domestic Climate Displacement: The Peninsula Principles*, Routledge, 2015.

<sup>181</sup> Kampala Convention (n 73).

<sup>182</sup> See articles 6 (international humanitarian agencies and other organizations), 7 (non-State actors), and 8 (the African Union).

strong obligation to incorporate it into domestic law and create the necessary institutional arrangements (article 3(2)).

At the national level, several states have IDP laws, policies and strategies that cover persons displaced in the context of disasters. Notably in 2018, as mentioned previously, Vanuatu adopted the very detailed, stand-alone National Policy on Climate Change and Disaster-Induced Displacement.<sup>183</sup> The Policy identifies twelve strategic areas at institutional and operational levels, delineating time-bound actions for each. Fiji's 2018 Displacement Guidelines<sup>184</sup> are less detailed but also set out important principles for protecting and assisting displacement-affected communities.

#### **IV. HOW TO IMPROVE PREVENTION, PREPAREDNESS, RESPONSES AND SOLUTIONS**

According to its Terms of Reference, the High-Level Panel is tasked with making concrete and practical recommendations to Member States, the UN system, and other relevant stakeholders on how to better respond to internal displacement. In particular the Panel focuses on addressing protracted displacement and what is needed to help achieve government-led durable solutions. Ideally, the Panel's recommendations should focus on the most important challenges and hurdles identified above<sup>185</sup> that regularly jeopardize success of responses to internal displacement in disaster contexts by proposing potentially "game-changing" ideas. The following ideas are meant as suggestions for consideration by the Panel.

Operational preparedness to respond to large-scale disasters is an overarching challenge, e.g., in terms of the development of contingency plans, ensuring logistical pipelines, and the deployment of trained staff to address displacement considerations. However, States and the international community also need to be prepared to address disaster displacement in the wider sense of ensuring normative, institutional and financial frameworks are in place to support the operational response. This section addresses preparedness for disaster displacement considering all of these aspects.

##### **1. Increasing the Capacity of States, the UN System and Other Stakeholders**

The capacity to prevent, address and resolve disaster displacement is obviously key. It depends on a multitude of factors, including, in particular:

- (i) adequate *legal and policy frameworks*;
- (ii) the right *institutional frameworks* to ensure, or at least facilitate, whole-of government approaches, as well collective action by international organizations and agencies;
- (iii) effective action at the *operational level*; and

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<sup>183</sup> Government of Vanuatu (n 157).

<sup>184</sup> Ministry of Economy, Republic of Fiji, [Displacement Guidelines In the context of climate change and disasters](#), 2019.

<sup>185</sup> Above, section II.4.

(iv) adequate *financial resources* to support operational planning and implementation.<sup>186</sup>

In this regard, the measures outlined below are particularly important.

### 1.1 Normative level

The adoption of national laws or policies that address internal disaster displacement is an important expression of political will as well as a first step towards building or strengthening the capacity of States at all levels. Recognizing a State's respective needs and capacities, this could include stand-alone law and policies on internal displacement that include displacement related to climate change and disasters together with conflict-related displacement, or the systematic integration of such displacement into laws, policies, and strategies on climate change adaptation and/or disaster risk reduction. The former model works better in countries with large numbers of IDPs displaced by conflict because in mixed situations both categories of IDPs are likely to face similar challenges, most notably in their efforts to find durable solutions.<sup>187</sup> Whereas, the mainstreaming approach might work better in countries with recurrent disaster displacement, but little or no displacement due to conflict and violence.

Vanuatu's *National Policy on Climate Change and Disaster-Induced Displacement* provides an excellent example of how countries could ensure disaster displacement is sufficiently addressed.<sup>188</sup> On the one hand, it comprehensively sets out twelve strategic areas necessary to achieve an effective response, providing for each the normative, institutional and operation steps required. On the other hand, it is adapted to the specific context of Vanuatu, for instance by creating consultation and participation mechanisms to engage local communities at risk of or affected by internal displacement to ensure that decisions affecting them respect their respective traditions.

Inspired by the Vanuatu Policy's strategic areas, a comprehensive and holistic normative framework on disaster and climate change-induced displacement should include the following topics:

- (1) Institutions and governance;<sup>189</sup>
- (2) Evidence, information and monitoring;<sup>190</sup>
- (3) Capacity-building and training for all stakeholders;
- (4) Safeguard guidelines and Standard Operating Procedures (SOPs) to ensure protection of disaster-affected people including IDPs and host communities in line with international standards;<sup>191</sup>

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<sup>186</sup> See below, section IV.5

<sup>187</sup> See also above, sections II.2.3 and II.2.5 on how conflict contexts may contribute to the displacement of disaster-affected people.

<sup>188</sup> Vanuatu National Policy (n 157). See also the Fiji Displacement Guidelines (n 184) which, however, are less operational.

<sup>189</sup> See next bullet point.

<sup>190</sup> See below section IV.4.

<sup>191</sup> Above, section III.5.

- (5) Measures to ensure and provide safety and security of all displacement-affected people, including from future hazards;
- (6) Incorporation of displacement considerations into land management, zoning or urban planning, including measures to prevent human settlements locations that are particularly disaster-prone or identifying locations that could be used as evacuation sites or to temporarily or permanently settle IDPs;<sup>192</sup>
- (7) Measures to ensure equal access of displacement-affected persons to basic services such as health and education during displacement and in the context of durable solutions;
- (8) Consultation and participation of displacement-affected communities<sup>193</sup> in the planning and implementation of durable solutions, including housing, local services and rural or urban infrastructure;
- (9) Measures addressing urban and rural livelihoods, including affordable micro-insurance and “climate insurance” models, that are accessible for displacement-affected communities;
- (10) Measures to protect the cultural identity and spiritual resources of displacement-affected communities; and
- (11) Measures to strengthen access to justice and public participation mechanisms for displacement-affected people, including with regard to evictions and other issues related to housing, land and property rights.

## 1.2 Institutional level

Institutional measures required in disaster situations have much in common with cases of conflict, particularly when sudden or slow-onset disasters occur in countries also affected by conflict. Regardless of these commonalities, the following effective practices should be systematically implemented before disasters strike, as they are important regardless of whether disaster displacement is large-scale, protracted, or recurrent:

- **National governments:** States have the primary duty and responsibility to provide protection and assistance to IDPs in their territory.<sup>194</sup> Thus, even when a State requests international assistance, it still holds “the primary role in the direction, control, coordination and supervision of such relief and assistance”.<sup>195</sup> In carrying out that role, many countries delegate the immediate disaster response to a designated disaster risk management authority (civil protection; a branch of the armed forces; a humanitarian affairs ministry; a disaster risk management committee; or a unit in the prime minister’s office). However, preventive measures, whether it be reducing disaster risks in locations with particularly high levels of displacement risk, planned relocation, and creating the necessary conditions for durable solutions, all require a *whole-of-government approach*.

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<sup>192</sup> See below section IV.2.

<sup>193</sup> Displacement-affected communities are not only those displaced but also host communities and communities having to (re-)integrate IDPs in the context of durable solutions.

<sup>194</sup> Guiding Principles (n 73), principle 3(1). ILC, Draft Articles (n 96) art. 12(1).

<sup>195</sup> ILC Draft Articles (n 96) art. 12(2).



Such an approach should be led a single entity responsible for ensuring efficient coordination amongst all relevant line ministries and other governmental entities, including, for instance, finance ministries and ministries in charge of climate change related issues.

A good example is drought-affected Somalia. Here, a Durable Solutions Secretariat housed in the Ministry of Planning, Investment and Economic Development (MOPIED) brings together 14 governmental institutions to ensure horizontal coordination, with a similar structure set up by the Mayor of Mogadishu at the local level.<sup>196</sup> Likewise, in Uganda a Disaster Risk Management Committee set up in the Office of the Prime Minister provides a platform for a multi-stakeholder approach<sup>197</sup> that is primarily concerned with disaster displacement since the end of the armed conflict in Northern Uganda. However, such structures are only fully effective if roles and responsibilities are, ideally by law or a policy, clearly allocated to different actors.

Whole-of-government approaches should also link national actors with sub-national and local governmental actors, and clarify the role of the private sector. As the frontline responders are at the local level, it is particularly important to build the capacity of and empower local authorities as well as local communities and community-based organizations. Furthermore, the different authorities, including at the local level, must be sufficiently resourced, meaning that whole-of-government approaches require corresponding budget allocations. In Ethiopia, for instance, a Durable Solutions Working Group tasked with addressing drought displacement was created in the Somali Regional State as far back as 2014.<sup>198</sup>

- **Sub-national and local governments:** Sub-national and local governments are the frontline governmental responders in disaster situations not only in the hours and days after sudden-onset disasters strike, but even more so during the recovery phase or when internal displacement becomes protracted. Therefore, it is essential to provide such governments with capacity-building support. Sub-national and local authorities also need the capacity to integrate DRR and CCA considerations, including displacement risk, into regional and local development plans. However, in many situations when internal displacement becomes protracted or when IDPs opt for local integration, budget allocations and financial transfers do not take into account the *de facto* increase of the local population. This is because national budgets are usually calculated on the basis of the regular population recorded in the last census or register of permanent residents, which do not include IDPs. At least in cases of large-scale disaster displacement, States should ensure that their legislation requires that budget allocations and fiscal transfers are

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<sup>196</sup> See Mark Yarnell, [Durable Solutions in Somalia – Moving from Policies to Practice for IDPs in Mogadishu](#), Refugees International, December 2019, pp. 11 and 17.

<sup>197</sup> Republic of Uganda, [The National Policy for Disaster Preparedness and Management](#), October 2010, section 4.2.

<sup>198</sup> Ministry of Peace and United Nations Ethiopia, [Ethiopia Durable Solutions Initiative](#), December 2019, p. 16, para. 61.

calculated on the basis of the actual population residing in each municipality or district, including IDPs.

- **United Nations agencies:** Overall, UN entities primarily engaged in disaster risk reduction, notably UNDP and UNDRR, require adequate capacity to integrate disaster displacement considerations within their programming. Specific protection concerns in disaster situations also need to be addressed as early as possible in the humanitarian response to ensure that IDP protection considerations are integrated in disaster management scenarios that guide planning and response efforts. Given the absence of a single agency responsible for taking the Protection Cluster lead in disaster situations, UNHCR, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) as agencies with protection mandates should agree in advance at the country level about who would exercise this function, at least in countries with recurrent disasters and high levels of displacement risk.

As shown below (section IV.3), the whole-of-government approach must be replicated at the UN level with an institutional set-up. For instance, a durable solutions unit in the Resident Coordinator's Office could be tasked with coordinating a durable solutions working group that brings humanitarian and development actors together, ideally to agree upon and implement collective outcomes.

- **Cooperation arrangements:** One key problem (above, section II.4) is the fact that all too often disaster responses by the international community create parallel structures for planning and coordination that subsequently sideline or even undermine governmental actors. In other situations, precious time passes before adequate cooperation and coordination mechanisms are set up. To be better prepared, governments and the UN system should in countries particularly exposed to natural hazards and adverse effects of climate change and experiencing recurrent disasters, enter into discussions on how best to cooperate with each other and conclude *Memoranda of Understanding before disasters strike* which, among other issues, also cover displacement. Such MoUs could include other relevant actors, such as international non-governmental organization (INGO) consortia or, as appropriate, even donors. They should address issues such as:
  - (i) governmental participation or co-leadership in clusters or participation of international actors in governmental sectoral working groups;
  - (ii) the provision of technical advice and support provided by the international community and hosted by relevant governmental actors in countries with weak capacities;
  - (iii) agreement on respective roles and responsibilities during the emergency response and the recovery phase;
  - (iv) pipelines for relief items and other operational modalities;
  - (v) the modalities of civil-military cooperation in countries where the military is involved in the disaster response;
  - (vi) involvement of the private sector;

(vii) the role of civil society and local communities; and

(viii) criteria for the activation of such cooperation and exit strategies.

Such arrangements must be adapted to the administrative systems and realities of countries and require flexibility on the part of the UN to adapt their own systems (e.g. clusters) and working style to specific country situations.

### 1.3 Operational level

In order to create strong normative and institutional frameworks and ensure long-term cooperation between governments and the international community, the following steps should be taken in countries that are particularly vulnerable to disasters, before a disaster strikes:

- Development of adequate normative and institutional frameworks (laws or policies) on disaster displacement by States as outlined above (sub-section IV.1.1 and 1.2) and, where requested, the provision of support for such development;
- Development of multi-year MoUs between governments and the international community regarding cooperation in cases of future disasters (above, sub-section IV.1.2);
- Holding regular (bi- or tri-annual) joint UN-government-NGO/civil society disaster simulation exercises to test whether the arrangements set out in the MoU work and identify capacity gaps. Such exercises could include disaster response agencies from neighboring and/or donor countries to engage in an exchange of best practices.
- Inclusion of such activities in the next UN Sustainable Development Cooperation Frameworks (UNSDCF).

The primary incentive for governments and the international community to take such steps is the prospect of being more effective in the event of future disasters and to avoid having to “reinvent the wheel” in such situations. This prospect should also be attractive for donors. Therefore, donors should commit to providing funding for the proposed activities to further incentivize governments and the UN system to strengthen their capacities in the coming years.

## 2. Prevention: Reducing Disaster Displacement Risk

Measures to reduce the risk of disaster displacement include interventions that avoid exposure to hazards in the first place, reduce or eliminate the effects of natural hazards, help people stay with greater resilience, provide anticipatory early action, or move out of harm’s way before disasters strike.<sup>199</sup> All measures require, as a first step, identifying areas with a high degree of displacement risk. In this regard, the Task Force on Displacement recommends undertaking “climate change related risk assessments and improved standards for data collection on and analyses of internal and cross-border human mobility in a manner that includes the participation of communities affected by and at risk of displacement related to the adverse impacts of climate change.”<sup>200</sup>

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<sup>199</sup> See above, sections III.3 and 4.

<sup>200</sup> COP24 (n 170), Annex, *Recommendations from the report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts on integrated approaches to averting, minimizing and addressing displacement related to the adverse impacts of climate change*, para. 1(d).

Similarly, the UNDRR Words into Action guidelines on disaster displacement calls for the “analysis of high-risk areas to determine whether DRR measures to reduce exposure and vulnerability and avoid displacement are feasible, or whether to facilitate evacuation or planned relocation.”<sup>201</sup>

Once such areas are identified, the following slightly adapted and expanded recommendations of the Words into Action guidelines are particularly relevant for governments when they develop their national, regional and local development plans and revise their DRR and CCA strategies:

***The development of targeted resilience-building programs** for those with high levels of disaster displacement risk to cope with adverse events through development planning, social safety net programs, and measures to protect livelihoods and productive assets, including through introduction of methods of food production better adapted to a changing climate, as well as measures of eco-system management such as using mangroves to protect eroding coastlines;*

***The formal recognition of informal or marginal settlements** to ensure their inclusion in local DRR strategies and plans;*

***The identification of areas suitable for planned relocation** using land-use planning, rural development management tools, urban development plans and environmental degradation assessments;*

***The inclusion of people displaced by disasters, migrants and others facing high levels of disaster displacement risk** in DRR and CCA planning and implementation processes, particularly at the local level;*

***The communication of DRR and CCA information** in languages that migrants and displaced people understand and through channels they can access easily;*

***The development of programs, where appropriate, to facilitate human mobility and support voluntary migration** from areas facing disaster risk, including environmental change and degradation, slow-onset hazards or frequent small-scale hazards. Migration to build resilience and reduce disaster displacement risk might be short-term, circular, seasonal or permanent, and might be internal or cross-border;*

***Provisions to undertake planned relocation** as a last resort to move particularly vulnerable communities to a safe location with necessary basic services – including infrastructure, healthcare and education – safe housing, support to re-establish livelihoods and transport. Any such process should be consultative, rights-based and should engage all affected communities.”<sup>202</sup>*

Under Target (E) of the Sendai Framework, States have to revise or develop DRR strategies in line with the Framework by 2020. There are concerns that a large number of countries will not be able to finalize this work by the end of the year, and it is not clear to what extent these strategies will

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<sup>201</sup> UNDRR, Disaster Displacement WiA (n 42), p. 41.

<sup>202</sup> UNDRR, Disaster Displacement WiA (n 42) p. 41. See also COP24 (n 170), Annex, para. 1(g)(iii) on strengthening “preparedness, including early warning systems, contingency planning, evacuation planning and resilience-building strategies and plans” and 1(g)(iv) on integrating “climate change related human mobility challenges and opportunities into national planning processes.”

address displacement. Whether or not the above recommendations are integrated in stand-alone DRR strategies or other instruments, making substantial progress on national and local DRR strategies must be a priority.

### **3. Solutions: Strengthening the Nexus between Relevant Actors through a Comprehensive Durable Solutions Approach**

As indicated above,<sup>203</sup> a frequent weakness of disaster risk management is the lack of early and robust action to help disaster-displaced persons rebuild their lives and thus find durable solutions ending their displacement avoiding protracted displacement situations. The weak nexus between humanitarian, development and disaster risk reduction or climate change adaptation action and the lack of sufficient collaboration between the actors in these fields has been identified as a key reason why many efforts to find durable solutions for IDPs in protracted displacement succeed to only a limited extent.<sup>204</sup> Such collaboration may be weak or absent within the international community or among ministries and other relevant governmental actors, as well between international actors and the government. Absent a shared understanding of the context and risk,<sup>205</sup> interventions by humanitarian response, development, disaster risk reduction and climate change actors to find durable solutions for IDPs often result in projectized approaches that are either not comprehensive (for instance, if they focus on housing but neglect livelihoods<sup>206</sup>) or are too expensive to be scalable. While these problems affect durable solutions for IDPs in conflict situations, they must also be addressed in disaster and mixed situations.

Based on experience,<sup>207</sup> a series of measures implemented *together* can advance collaboration between relevant actors to address protracted internal displacement and achieve durable solutions by helping build the essential nexus between humanitarian, development and disaster risk reduction or climate change adaptation actors. Such a *comprehensive durable solutions approach* is particularly suitable for countries that already have *significant protracted disaster displacement or large-scale mixed situations* of disaster and conflict-related internal displacement.<sup>208</sup> This overview focusses on the following key elements of such approach:

- ***Institutional architecture:***
  - ***UN system:*** The Resident Coordinator (RC) is best placed to bring humanitarian and development agencies (including UN actors dealing with DRR and climate change adaptation) together in a durable solutions working group.<sup>209</sup> Within a

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<sup>203</sup> Section II.4.

<sup>204</sup> Walter Kälin and Hannah Entwisle Chapuisat, [\*Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome\*](#), OCHA, New York, 2017, pp. 49 ff.

<sup>205</sup> See *ibid.*, p. 71.

<sup>206</sup> See the evaluations mentioned above section II.4.

<sup>207</sup> Presently, the Durable Solutions Initiatives (DSI) in Somalia and Ethiopia, which have both conflict-affected IDPs as well as large numbers of people displaced by drought, are the most advanced examples of this approach.

<sup>208</sup> E.g., countries in the Sahel and the Horn of Africa.

<sup>209</sup> Experience in countries with large-scale protracted internal displacement such as Somalia or Ethiopia suggest that the creation of a small durable solutions unit in the UN Resident Coordinator's Office (RCO) is needed to not only facilitate such working group, but also to ensure close cooperation and alignment with the government. Unlike UN entities that work with specific governmental counterparts, the RC has access to all parts of government.

working group, relevant actors can agree on complementary approaches, develop joint projects, and decide upon on collective outcomes for durable solutions<sup>210</sup> that are aligned with government planning. Collective outcomes should be concrete, with measurable results that relevant actors want to achieve jointly and in collaboration with the government over a period of several years to find solutions for IDPs.<sup>211</sup>

- **Governments** can advance durable solutions by, in particular, (i) including durable solutions in national,<sup>212</sup> sub-national and local development plans; (ii) based on these plans, creating mechanisms that allow for a whole-of government approach; and (iii) establishing, at appropriate levels (national, sub-national, local), joint and well-coordinated durable solutions working groups with the participation of relevant line ministries and other governmental institutions, UN agencies, INGOs, representatives of displacement-affected communities and, where appropriate, donors.
- **Operational level:** Effective measures to work towards and achieve durable solutions include the following:
  - Systematic efforts by humanitarian actors to look early on beyond immediate live-saving responses and shape their responses in ways that contribute to *strengthening the resilience of displacement-affected communities* by i) using, where appropriate, cash-transfers,<sup>213</sup> ii) supporting IDPs outside camps (e.g., with rental subsidies), iii) investing in early livelihoods interventions, and iv) building a sustainability/handover component into projects that link to government/community systems or to longer-term interventions. The systematic use of a “resilience marker”, i.e., a series of criteria that help to identify such outlooks,<sup>214</sup> would help to ensure that humanitarian projects contribute to solutions-related efforts;
  - Focusing on *area-based interventions* when developing durable solutions projects that address the needs of displacement-affected communities rather than individual beneficiaries, ensuring they are based on joint (humanitarian-development-DRR/CCA) assessments and rely on community-based planning

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<sup>210</sup> In Somalia, the UNCT/HCT adopted the following collective outcome, in line with the New Way of Working: “Risk and vulnerability reduced and resilience of internally displaced persons, refugee returnees and host communities strengthened in order to reach durable solutions for 100,000 displaced households by 2022”, OCHA, Somalia Humanitarian Response Plan 2019, p. 61.

<sup>211</sup> OCHA defines a collective outcome as “a concrete and measurable result that humanitarian, development and other relevant actors want to achieve jointly over a period of 3-5 years to reduce people’s needs, risks and vulnerabilities and increase their resilience.” OCHA, [“Collective Outcomes - Operationalizing the New Way of Working”](#), April 2018, p. 2.

<sup>212</sup> A good example is [Somalia National Development Plan 9](#).

<sup>213</sup> On the positive impact of cash-transfers for recovery, see, e.g., Haiyan evaluation (n 105), p. 8.

<sup>214</sup> For a good example of such a marker, see [Somalia Humanitarian Response Plan 2019](#), pp. 14 and 61. The marker requires each project to ask if: “the protection environment is sufficiently safe or stable to enable durable solutions/resilience”; “a sustainability/handover component [is] built into the project”; “the project [is] linked to government/community systems, or to longer-term interventions”; and “the entitlement of beneficiaries to services/utilities provided [will] be legally recognized”.

processes to identify priorities that bring together IDPs/returnees, local communities as well as, where relevant, migrants and minorities, traditional leaders and local authorities;

- Including displacement-affected communities in development programs and projects that are not displacement-specific, but which are implemented in geographical areas where such communities are present. A “solutions marker”<sup>215</sup> would help ensure this occurs more systematically;
- Ensuring a much stronger *focus on livelihood* projects and interventions, in close cooperation with the private sector;
- *Working with the private sector* including, in particular, through *public-private partnerships* in areas such as: i) housing solutions for IDPs who cannot return;<sup>216</sup> ii) peri-urban food production and value chains for IDPs (for instance, drought-displaced pastoralists) who cannot go back to their former rural lifestyles; iii) urban livelihoods; as well as by iv) indirectly supporting private service providers (e.g., through a voucher program that allows IDPs to use private clinics and schools) in situations where governmental services were notoriously weak or absent even before the disaster;<sup>217</sup>
- In the case of *drought*: Developing projects that focus on transforming rural livelihoods in sustainable ways as part of climate change adaptation measures, for instances, when return to traditional methods of agriculture and livestock breeding is no longer possible; and
- *In mixed disaster-conflict situations*: Close cooperation with international or local peacebuilding actors to prevent, address and resolve internal displacement.<sup>218</sup>

#### 4. Understanding Disaster Displacement: Data and Evidence

Recognizing that specific data and knowledge and data gaps related to disaster displacement have been identified elsewhere,<sup>219</sup> the following elements are particularly important to address challenges identified above:<sup>220</sup>

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<sup>215</sup> Such a marker would ask whether a specific development project targets areas where displacement-affected communities live, whether the project is relevant for such communities, and whether such communities are included in the project, and, if yes, whether their specific needs are taken into account. The Government of Somalia is using such a marker to track the contribution of development projects to durable solutions. See United Nations Somalia, [Displaced populations and urban poor no longer left behind](#), Mogadishu 2019, p. 7.

<sup>216</sup> See, e.g., the proposals in Dyfed Aubrey and Luciana Cardoso, [Towards Sustainable Urban Development in Somalia: IDP Durable Solutions at Scale](#), 2019, p. 21 ff.

<sup>217</sup> See Grünewald and Binder (n 48), p. 50, para. 94, who are critical of the fact that “several private hospitals and schools have gone bankrupt since the earthquake” because all services were provided by international actors.

<sup>218</sup> Section II.2.5.

<sup>219</sup> See also Ponserre and Ginnetti (n 12).

<sup>220</sup> Section II.1.

- *Prevention and planning:*
  - Systematically collect and include data related to disaster displacement, disaggregated according to gender, age, and disability, as part of disaster risk assessment and preparedness activities, climate change adaptation efforts, as well as development interventions that seek to build resilience to disaster risk, such through the development and use of probabilistic models for estimating disaster displacement risk to support anticipatory financing mechanisms and early action.<sup>221</sup>
  - Implement the International Recommendations on IDP Statistics (IRIS),<sup>222</sup> endorsed by the UN Statistical Commission,<sup>223</sup> that establish a standardized, internationally agreed framework for translating internal displacement and solutions into a measurable statistical concept that helps to “strengthen evidence-based public policy and national responses to displacement in the long-term”,<sup>224</sup> including within efforts to achieve the Sustainable Development Goals.<sup>225</sup>
- *Humanitarian action:*
  - Systematically and regularly<sup>226</sup> collect data related to disaster displacement, disaggregated according to gender, age, and disability, from the beginning of the emergency, using interoperable systems that span the emergency and recovery response.
  - Analyse the situation of displacement-affected communities as a whole, such as by using profiling of internal displacement situations that look at IDPs as well as other displacement-affected communities, which are undertaken collaboratively, engaging key stakeholders, including government agencies and humanitarian and development actors, throughout the process to ensure agreement and shared ownership on the results for joined up action.<sup>227</sup>
- *Recovery and durable solutions:*
  - Conducting comprehensive durable solutions analysis adapted to the local and country context to inform effective responses.<sup>228</sup> For example, a profiling of the internal displacement situation in Mogadishu that include IDPs displaced by

<sup>221</sup> Ponserre and Ginnetti (n 12), p. 45–47.

<sup>222</sup> Expert Group on Refugee and IDP Statistics (EGRIS), [International Recommendations on IDP Statistics \(IRIS\)](#), Fifty-first session, 3 –6 March 2020.

<sup>223</sup> UN Statistical Commission, “Report on the Fifty-First Session” (United Nations Economic and Social Council 2020) E/2020/24-E/CN.3/2020/37, para. 51/116.

<sup>224</sup> EGRIS (n 222), para. 16.

<sup>225</sup> See also Ponserre and Ginnetti (n 12), p. 41–42.

<sup>226</sup> For a suggested schedule for data collection on disaster displacement, see *ibid.*, p. 43.

<sup>227</sup> Joint IDP Profiling Service (JIPS), “About Profiling” <<https://www.jips.org/profiling/about-profiling/>> accessed 9 April 2020.

<sup>228</sup> See, UNHCR, JIPS, IOM, UNDP, DRC et al, “Interagency Durable Solutions Analysis Guide and Indicator Library” (2018), available at <https://inform-durablesolutions-idp.org/> and, as an example, the *ReDDS durable solutions indicators* available at <https://www.internal-displacement.org/sites/default/files/inline-files/3.-IDMC-DS-Module-ReDSS-Indicators-Solutions-Framework-Template.pdf>. See also UN Statistical Commission (n 223).



conflict and drought, provided evidence to support the integration of internal displacement issues in the Somali National Development Plan and informed durable solutions programming at municipal level.<sup>229</sup>

- Collecting stock data on internal disaster displacement through longitudinal data collection and analysis processes that measure progress in achieving durable solutions. For example, in Ethiopia, IOM has supported the Government through the Displacement Tracking Matrix (DTM),<sup>230</sup> which since 2016 has continuously captured data on a fortnightly basis with respect to internal displacement linked to conflict and disasters, IDP returns, inter/intra-regional migration, as well as host communities' capacity to host IDPs.
- Undertaking joint post-disaster assessments by the government, humanitarian and development actors to generate knowledge and data, disaggregated according to gender, age, and disability, that enables actors to develop a common understanding of disaster impacts and recovery needs. For instance, the Somalia Drought Impact & Needs Assessment<sup>231</sup> carried out after the 2016/17 drought provided the basis for the Somalia Recovery and Resilience Framework (RRF), which now includes durable solutions for drought IDPs as one of five strategic objectives.<sup>232</sup>

## 5. The Resource Challenge: Developing Innovative Financing Mechanisms

Preventing, addressing and finding solutions for internal disaster displacement is costly. At the same time, generating funding and other resources in disaster situations may be easier than in conflict contexts, particularly in the case of large-scale disasters that generate substantial media interest. Regardless, there is still a need to ensure that existing resources are used more effectively and overcome institutional hurdles that negatively impact how funds are allocated and spent. It is also necessary to create stronger incentives for governments and international actors to undertake the measures previously recommended above in this section. While it is not the intention of this submission to provide an in-depth analysis of financing related to disaster prevention, management and recovery, it presents a series of suggestions for further analysis and consideration by the HLP and its workstream on innovative financing.

Good financing practices directly related to the prevention of disasters and enabling people and communities affected by disasters as well as their governments include, in particular,

- Providing ample resources for *forecast-based financing mechanisms*<sup>233</sup> implemented by international actors with a stronger focus on early action to prevent internal displacement

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<sup>229</sup> Mission reports by the Special Advisor to the DSRSG/RC/HC Somalia on internal displacement (on file with the author).

<sup>230</sup> Reports are available at <https://dtm.iom.int/ethiopia>. For other examples of how the DTM has been used in disaster contexts in countries like Mozambique, Vanuatu, Fiji and the Philippines, see: <https://dtm.iom.int/>

<sup>231</sup> Somalia Drought Impact & Needs Assessment (n 45).

<sup>232</sup> Somalia Recovery and Resilience Framework (n 45), p. 5.

<sup>233</sup> [www.forecast-based-financing.org](http://www.forecast-based-financing.org). Forecast-based financing to reduce displacement risks is also recommended by the Task Force on Disaster Displacement; see COP24 (n 170), Annex, para. 1(g)(iv).

or, where feasible and adequate, creating such mechanisms at country levels that use innovative weather forecast models to automatically trigger the release of funds to initiate early action,<sup>234</sup> helping to build resilience of those likely to be affected before an extreme weather event occurs. Such assistance can help people avoid disaster displacement<sup>235</sup> or at least reduce the negative impacts of displacement. Such financing is already used, for instance by IFRC, but there is a need to scale it up in countries experiencing such events on a regular basis by creating the necessary institutional and financial mechanisms;

- Using *adaptive social safety net programs* for rural populations<sup>236</sup> affected by drought and other slow-onset impacts who risk displacement once they are no longer able to produce or purchase sufficient food in times of crises, such as by ensuring that safety net entitlements are portable once people are displaced and need to begin rebuilding their lives elsewhere;
- Further developing, systematic expanding and institutionalizing affordable *micro-insurance and direct or indirect*<sup>237</sup> “*climate insurance*” models, that are accessible for communities at risk of or affected by internal displacement. Such models should be gender-sensitive,<sup>238</sup> and build on existing experiences and models.<sup>239</sup> Internal displacement should also be included in climate and disaster risk transfer solutions, such as those offered to African countries by the African Risk Capacity Insurance,<sup>240</sup> and explore models for coherent crisis financing packages that can be made available to countries affected by disasters to address the impacts of internal displacement;<sup>241</sup> and
- Strengthening the *UN Secretary-General’s Peacebuilding Fund* to systematically provide catalytic funding in mixed disaster-conflict situations to prevent, address and, in particular, find solutions to internal displacement.

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<sup>234</sup> IFRC’s forecast-based financing is linked to broader inter-agency efforts by FAO, IFRC, OCHA, START and WFP to take coordinated action before disasters strike. See “[Early Action Focus Task Force](#)”, accessed 17 March 2020.

<sup>235</sup> For instance, IFRC has activated forecast-based financing twice under its Disaster Relief Emergency Fund (DREF) to support vulnerable herders in Mongolia who were at risk of becoming displaced to urban areas if their livestock died during extreme “dzud” winter conditions. Based upon triggers that had been agreed upon in advance, IFRC was able to provide cash assistance for animal feed and essential nutrients for livestock to help the animals survive. IFRC, “Forecast-Based Financing for Vulnerable Herders in Mongolia”, 2018.

<sup>236</sup> An example is the Ethiopia Rural Productive Safety Net Project. See <<https://projects.worldbank.org/en/projects-operations/project-detail/P163438?lang=en>>, accessed 10 April 2020.

<sup>237</sup> Indirect insurance schemes insure governments or municipalities, either by insurers or via risk pools. See <https://www.insuresilience.org/projects/>, accessed 20 April 2020.

<sup>238</sup> Katherine S. Miles and Martina Wiedmaier-Pfister, [Integrating Gender Considerations into Different Models of Climate Risk Insurance \(CRI\)](#), InsuResilience Global Partnership, 2019.

<sup>239</sup> In particular, see the work of the InsuResilience Global Partnership for Climate and Disaster Risk Finance and Insurance Solutions (<https://www.insuresilience.org/>, accessed 26 April 2020). The InsuResilience Global Partnership brings together G20 and V20 countries, international institutions, civil society organizations and the private sector to further innovative solutions.

<sup>240</sup> See <https://www.africanriskcapacity.org/>.

<sup>241</sup> See, for instance the ideas developed in Lydia Poole, Daniel Clarke, and Sophia Swithern, “[The Future of Crisis Financing: A call to action](#)”, Centre for Disaster Protection, London 2020.

More specifically, the submission proposes the following financial measures to address the needs of communities affected by disaster displacement and find durable solutions, which would not only support affected individuals, but might also create incentives for governments:

- *Governments:*
  - *Allocating sufficient resources* to governmental authorities at all levels in charge of preventing, preparing for, addressing and resolving internal displacement as part of disaster management;
  - Providing for the *flexible use of budgets* allocated to relevant line ministries to prioritize support to displacement-affected communities when disasters strike;
  - *Allocating resources to local governments/authorities* hosting substantial numbers of disaster IDPs or returnees in accordance with the *needs of the de facto population* rather than based on official population numbers; and
  - Using *forecast-based financing mechanisms, adaptive social safety net programs, and affordable insurance models* mentioned above at national or sub-national levels to address, among others, internal disaster displacement risks, situations and solutions.
- *Humanitarian donors:*
  - Supporting greater use of cash-based assistance for those with access to markets as they allow recipients to make choices, including with regard to moving towards self-sufficiency and ultimately durable solutions;
  - Incentivizing the use of a “resilience marker”<sup>242</sup> by humanitarian actors in their programming for IDPs as soon as the immediate emergency response is over.
- *Development donors:*
  - Systematically including, where relevant, clauses in development project agreements that allow for the flexible use of resources in situations of disasters (crisis modifiers). Evaluations indicate that this is a particularly effective way to make resources for post-disaster recovery available early on when resources for longer-term investment are not available due the time it takes to develop and approve such projects;<sup>243</sup>
  - Systematically including, where relevant, displacement-affected communities into development programs and projects targeting areas where such communities are present by using a “solutions marker”;<sup>244</sup>

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<sup>242</sup> Above, section IV.3.

<sup>243</sup> See Grünewald and Binder (n 48), p. 31; Clayton et al (n 107), p. 15; DuBois et al, Somalia evaluation (n 90), p. 11; and Ethiopia evaluation (n 108), p. 5.

<sup>244</sup> Above, section IV.3.

- Investing in strengthening *the humanitarian-development-DRR/CCA nexus* in accordance with the 2019 DAC Recommendation<sup>245</sup> not only in conflict situations, as provided for in that document, but also post-disaster situations; and
- *Prioritizing financing for collective action and outcomes* using, as opposed to isolated programs and projects, the Comprehensive Durable Solutions Approach outlined above.<sup>246</sup>
- *DRR and climate change financing actors:*
  - Facilitating access to DRR and climate change funds and financing mechanisms to address disaster displacement, including by raising affected countries’ awareness about existing sources of funding and support available to implement integrated approaches to avert, minimize and address displacement related to disasters and the adverse impact of climate change.<sup>247</sup> Such resources should include, in particular, supporting efforts to help IDPs shift to new forms of livelihoods (such as agricultural and livestock production) when they cannot return to their former lifestyles due to the impacts of natural hazards, environmental degradation or climate change.

## V. CONCLUSION: THINKING OUT OF THE BOX

The key messages of this submission are: invest more in prevention, be better prepared, integrate IDP protection concerns into disaster responses, and work early on towards solutions, including with much more attention on restoring livelihoods. To achieve these goals, it is necessary to strengthen the capacities of governments, the UN system and other relevant stakeholders. This requires generating better data and knowledge, and strengthening the nexus between humanitarian and development action, as well as climate change adaptation, disaster risk reduction, and where relevant peacebuilding efforts. It also necessitates robust and predictable financing mechanisms that create strong incentives for these measures. As shown above, numerous effective practices already exist, however they need to be more frequently and systematically applied.

The task of the High-Level Panel is to go beyond providing technical advice on such practices and to think outside of the box. The “out-of-the-box” recommendations in this submission are only rarely, if at all, used, but we expect them to have a high degree of impact. They include, in particular:

- Adopting, in the coming years, *MoUs* applicable to *future* disasters between governments of disaster-prone countries and the international community, outlining respective roles, ways of cooperation (including with regard to the cluster system), and technical support

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<sup>245</sup> OECD, *DAC Recommendation on the Humanitarian-Development-Peace Nexus*, OECD/LEGAL/5019, 2020.

<sup>246</sup> Above, section IV.3.

<sup>247</sup> See in this regard Decisions adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, UN Doc FCCC/PA/CMA/2019/6/Add (16 March 2020), Decision 2/CMA.2, “Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts and its 2019 review”, paras. 35-39.

provided by the international community to national, sub-national, and, where appropriate, local authorities; and regularly conducting joint government-UN-civil society *simulation exercises* to test whether the arrangements set out in the MoU work;<sup>248</sup>

- Systematically using the *Comprehensive Durable Solutions Approach*, with all its elements, in situations of large-scale situations of protracted disaster displacement;<sup>249</sup>
- Systematically using *resilience and solutions markers* for humanitarian and development programs and projects;<sup>250</sup>
- Systematically involving the *private sector* including, in particular, through *public-private partnerships* in areas such as i) housing solutions for IDPs who cannot return,<sup>251</sup> ii) peri-urban food production and value chains for IDPs (for instance, drought-displaced pastoralists) who cannot go back to their former rural lifestyles; as well as by iii) indirectly supporting private service providers (e.g.. through a voucher program that allow IDPs to use private clinics and schools) in situations where governmental services were notoriously weak or absent even before the disaster.<sup>252</sup>
- Regarding financing, expanding and systematizing (i) *adaptive social safety net programs*, (ii) *affordable micro-insurance and direct or indirect “climate insurance” models*, and *climate and disaster risk transfer solutions*, (iii) *exploring models for coherent crisis financing packages* available to disaster-affected countries, and (iv) strengthening the *UN Secretary-General’s Peacebuilding Fund* to systematically provide catalytic funding in mixed disaster-conflict situations, and using these instruments, inter alia, to prevent, address and resolve internal displacement.<sup>253</sup>

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<sup>248</sup> Above, section IV.1.3

<sup>249</sup> Above, section IV.3.

<sup>250</sup> Above, section IV.3.

<sup>251</sup> See, e.g., the proposals in Dyfed Aubrey and Luciana Cardoso, [Towards Sustainable Urban Development in Somalia: IDP Durable Solutions at Scale](#), United Nations Somalia, September 2019, p. 21 ff.

<sup>252</sup> Above, section IV.3.

<sup>253</sup> Above, section IV.5.