FOREWORD

The High-Level Panel on Internal Displacement, set up by the UN Secretary-General in late 2019 to increase global attention on and support for internally displaced persons, has invited a wide range of stakeholders to submit bold, creative and practical contributions as input for the Panel's work.

The Platform on Disaster Displacement (PDD), a state-led initiative working towards better protection for people displaced in the context of disasters and climate change, heeded this call and asked the Envoy of the Chair of the PDD, Prof. Walter Kaelin to prepare the present submission, titled Internal Displacement in the Context of Disasters and the Adverse Effects of Climate Change.

The PDD Secretariat and the PDD Steering Group (made up of UN Member States) actively supported and contributed to the drafting process and the nalization of this submission via written contributions and in meetings of a PDD Working Group established for the purpose of this submission.

The drafting process and the nalization of this submission also bene ted from input from numerous members of the PDD Advisory Committee. The PDD Advisory Committee consists, inter alia, of individuals and representatives of international and regional organizations, research institutions, academia, private sector, non-governmental organizations (NGOs) and other civil society stakeholders. This is a diverse group of stakeholders with expertise in different elds of relevance to disaster displacement such as humanitarian assistance and protection, human rights, migration management, refugee protection, disaster risk reduction, climate change mitigation and adaption, and development.

The PDD sincerely hopes this submission serves as useful input in the delivery of the High-Level Panel's important task of raising international attention to the issue of internal displacement and its impact with concrete and practical recommendations to UN Member States, the United Nations system, and other relevant stakeholders on how to better respond to internal displacement.

INTERNAL DISPLACEMENT
IN THE CONTEXT OF DISASTERS

Contents

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 rst sets out the key challenges related to internal disaster displacement. It then addresses what can and should be done to prevent, address and nd 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 con ict 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 soimate gi 96cadverse

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 con ict 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 con ict 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 con ict 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 con ict 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-con ict 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 speci c aspect of disaster management;
- Insuf cient 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;
- Insuf cient focus on solutions;
- Weak humanitarian – development nexus; and
- Problematic funding mechanisms.

Insuf cient focus on solutions;

have signi cant protracted disaster displacement or large-scale mixed situations of disaster and con ict-related internal displacement. The use of resilience and solutions markers provide an opportunity to consider whether programs suf ciently take into account the speci c needs of IDPs and their hosts.

4. Understanding Disaster Displacement: Data and Evidence – Recognizing the numerous speci c 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 pro ling 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 nancing 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 nancing 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 nancial measures to address the needs of disaster displacement-affected communities and to nd durable solutions include, among others: i) allocating suf cient 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 nancing 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 nancing mechanisms that create strong incentives for these measures.

1

Introduction

1.1

OVERVIEW

This submission by the Envoy of the Chair of the Platform on Disaster Displacement (PDD)[1] has been prepared[2] 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 con ict 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.

1 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).

2 The submission re ects signi cant 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.

The response to the COVID-19 pandemic is currently creating signi cant challenges with respect to internal displacement, such as maintaining social distancing guidelines in congested camp settings or sustaining IDPs' access to health services.[3] 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 speci c impacts of the COVID-19 pandemic on the issue of internal displacement. Thus, while acknowledging the speci c challenges they pose to addressing internal displacement, COVID-19 and similarly serious biological hazards are presently beyond the scope of this submission.[4]

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 con ict-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 con ict settings, such assumptions underestimate the complex root causes of disaster displacement and the multi-sectoral responses required to nd 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 2.1), the complex dynamics of disaster displacement (2.2), problematic assumptions regarding the absence of protracted internal displacement and protection challenges in disaster situations (2.3), and shortcomings related to the international response to disasters (2.4).

2. What can and should be done to prevent, address and nd solutions for internal disaster displacement? What do existing normative and policy frameworks expect from States and other relevant actors? Section 3 addresses the "what" of preventing, addressing and resolving situations of disaster displacement. It identi es 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 4 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 4.1 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 4.2 looks speci cally at prevention and preparedness, while Section 4.3 examines how to strengthen

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

4 Biological hazards are also outside the scope of disaster displacement as de ned 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.

the humanitarian-development-climate change-disaster risk reduction nexus. Section 4.4 focuses on how to improve data collection and analysis. A particularly important challenge is the need to develop innovative nancing, in particular with regard to durable solutions (section 4.5). While not identical, this section covers the ve thematic areas listed in the HLP's Terms of Reference.

The submission ends with brief conclusions (section 5).

1.2

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 nancing mechanisms that create strong incentives for these measures.

Going beyond existing effective practices (section 4), 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 nancial 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 rst 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 Of ce 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 signi cant protracted disaster displacement or large-scale mixed situations of disaster and con ict-related internal displacement.[5] The use of resilience and solutions markers provide an opportunity to consider whether programs suf ciently take into account the speci c needs of IDPs and their hosts.

4. Understanding Disaster Displacement: Data and Evidence – Recognizing the numerous speci c 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 pro ling 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 nancing 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 nancing 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 nancial measures to address the needs of disaster displacement-affected communities and to nd durable solutions include, among others: i) allocating suf cient 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 nancing 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.[6]

1.3 TERMINOLOGY

5 For details see Section 4.3.

6 Above, section 4.5.

7 Natural hazards are formally divided into ve categories: (i) Geophysical: earthquake, tsunamis, volcanic eruptions, landslides; (ii) Hydrological: oods, avalanches, sea-level rise; (iii) Meteorological: Storms, storm surges, extreme temperatures; (iv) Climatological: drought, wild res, glacial lake outburst oods; and (v) Biological: insect infestation or epidemic. “Classi cation | EM-DAT” https://www.emdat.be/classi cation accessed 3 March 2020.

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 de ned above.

INTERNALLY DISPLACED PERSONS are people or groups of people who have been forced or obliged to ee 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 con ict, 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. [8]

8 Protection Agenda, (n 1), p. 7.

2

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 nancial costs, and build more resilient communities in its wake" [9] 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 (2.3), 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 increasingly challenge the adaptive capacity" of societies and, as a consequence, the "risks of reaching limits to adaptation" are increasing. [10] Thus, as States seek to be better prepared for disaster situations, internal disaster displacement poses signi cant present-day and future challenges.

2.1

LARGE NUMBERS

The vast majority of displacement in disaster contexts takes place within countries, although some people may cross borders. [11] During the period 2009 – 2019, the Internal Displacement Monitoring Centre (IDMC) recorded a combined total of 249.7 million

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

10 "Opening of COP 25", Madrid, 2 December 2019, Statement by IPCC Chair Hoesung Lee, p. 1

11 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.

new displacements in the context of sudden-onset disasters.[12] This equates to an average of 22.7 million people newly displaced each year, representing almost three times the number of people displaced by con ict and violence during the same period. [13] In 2019, some 96 per cent of all disaster displacement was weather-related. [14]

In 2019, the South Asia (9.5 million displacements) and the East Asia and Paci c (9.6 million displacements) regions were

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.[24]

Overall, estimating future numbers of people internally displaced is extremely dif cult because, as will be discussed below (Section 3 and 4.2), 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).

2.2 COMPLEX DYNAMICS

2.2.1 MULTI-CAUSALITY

The notion of “disaster displacement” used in this submission builds on the UN’s understanding of disaster as a situation of

their animals perish in a drought can be described as IDPs.

2.2.2 SCENARIOS

Disaster displacement occurs within a spectrum of scenarios in which natural hazards combine

phenomenon, particularly as compared to con ict 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 insuf cient to withstand recurrent disasters, people may also return home, only to become displaced again as soon as oods or storms re-occur.

As discussed below (section 2.3.2), 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.

2.2.4 DISTINGUISHING DISASTER DISPLACEMENT FROM CONFLICT DISPLACEMENT

Disaster IDPs share many of the same protection and assistance needs as con ict 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 con ict is notoriously dif cult. 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 rst place or reduce the risk of displacement through disaster risk reduction, climate change adaptation and development measures that address the underlying causes of displacement. Similarly, as shown below (sections 3 and 4.2), 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 speci c set of knowledge and tools as compared to displacement linked to con ict 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 con ict 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 con ict situations, the State may be a party to the con ict, 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 in uenced 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 con ict situations. As compared to con ict 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 con ict situations, many actors engaged in disaster risk management and response may not recognize disaster displacement as a phenomenon.

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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. [49]

- Finally, peacebuilding components aimed at stabilization can contribute to helping displacement-affected communities move towards durable solutions. A good example is 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 con ict and violence as well as drought, famine and oods. 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. [50] Communities involved in the project "identi ed the participatory process so far to be bene cial 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." [51]

2.3

PROBLEMATIC ASSUMPTIONS

2.3.1 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 nd 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 speci c 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 [52] to include internal disaster displacement as a speci c 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, [53] remain silent on nding durable solutions for internal displacement. [54] While many laws and policies on internal displacement cover situations of con ict and disaster, some countries exclude the latter from the de nition of an internally displaced person. [55]

49 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.

50 Axiom and IOM, Final Report for Midterm Evaluation of Midnimo Project to Maximize Peacebuilding Impact in Jubbaland, South Westand Hirshabelle States, Somalia, 7th February 2019, p. 7. The project's rst phase was implemented by IOM and UN Habitat, which are currently joined by UNDP for the project's second phase.

51 Ibid., p. 4.

52 OCHA, United Nations Disaster Assessment and Coordination UNDAC Field Handbook, United Nations, 7th Edition, 2018.

53 See the examples of Vanuatu and Fiji below, section 3.5.

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

55 Colombia, e.g., has adopted Law 387 in 1997 regarding IDPs displaced by con ict 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 con ict, violence and human rights violations.

Attitudes are slowly changing today, [56] but it is still important to highlight that IDPs have speci c needs not shared by non-displaced people in disaster contexts. For instance, only IDPs need to nd 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 nd a durable solution to their displacement, which can be extremely dif cult particularly if they cannot return to their homes.

provides another example of protracted displacement.[64]

While the overall number of IDPs living in protracted displacement following disasters is likely to be lower than in con ict 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 deserti cation will expand, among other impacts. Because coastal areas are also economic centers for industries such as shing and tourism, future displacement risk is also linked to the growing number of people moving to coastal areas to bene t from these economic opportunities. At the same time, people too poor to opt for planned migration risk "experienc[ing] higher exposure to extreme weather events […], particularly in developing countries with low income."[65] 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.[66]

These risks create the potential for large-scale protracted displacement, given the growing number of people living in high-risk zones and

64 IDMC, Global Report on Internal Displacement (GRID 2018), Geneva, May 2018, p. 31.

65 Ibid p. 20.

66 Foresight, Migration and Global Environmental Change, Final Project Report, London: The Government Of ce for Science, 2011, pp. 29 and 73.

67 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.

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

69 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 A/HRC/10/13/Add.1 (5 March 2009) para. 4. On the protection needs of disaster-displaced persons see also, Of ce 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

IDPs in con ict 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." [71] 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:[72]

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. [73] IDPs may face continuing or secondary hazards, such

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

72 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.

73 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

the ultimate cause of the displacement, such as the case of pastoralists whose livestock die because of drought. [84]

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 ood 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, [85] and they may face higher risks of traf cking. [86] More generally, pre-existing 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.[85]

   Pre-existing patterns of discrimination may also perpetuate in disaster relief efforts, even though States are prohibited from discriminating against IDPs.[87] 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. [88]

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

possibpuons oups

84 Nina Schrepfer and Nina Caterina, On the Margin: Kenya's Pastoralists, IDMC, Geneva, 2014.

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

86 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 traf c or illegally place children in care facilities. Child traf cking to India was already a problem prior to the earthquake. Press Centre, "Nepal Earthquakes: UNICEF Speeds up Response to Prevent Child Traf cking", UNICEF, 19 June 2015. See also Entwisle (n72), pp. 23–24.

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

88 See Kälin (n 69), p. 15.

89 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).

90 See, e.g., Marc DuBois, Paul Harvey and Glyn Taylor, "Rapid Real-Time Review DFID Somalia Drought Response", Humanitarian Outcomes, January 2018, p. 25.

91 See Grünewald and Binder (n 48), p. 41 regarding airdrops.

92 Guiding Principles (n 73), principle 15(a).

shelters.[93] 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 nd S1.rble tful

2.4

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 ooding 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 2.3.2), 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,[103] the 2010 Haiti earthquake, [104] the 2013 Typhoon Haiyan,[105] the 2015 Nepal earthquake,[106] the 2016/17 Somalia drought [107] and the 2015-2018 Ethiopia drought, [108] 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 speci c aspect of disaster management: While some evaluations include internal displacement more or less systematically,[109] others only mention the number of IDPs but do not recognize internal displacement as a speci c issue.[110] This arguably re ects operations that did not recognize or

103 Tsunami Evaluation Coalition, Synthesis Report: Expanded Summary, Joint evaluation of the international response to the Indian Ocean tsunami, January 2007.

104 See Grünewald and Binder (n 48).

105 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.

106 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.

107 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.

108 Inter-Agency Humanitarian Evaluation Steering Group, Inter-Agency Humanitarian Evaluation of the Drought Response in Ethiopia 2015–2018, Final version, November 2019.

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

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

111 Haiti evaluation (n 48), p. 11.

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." [112] These examples indicate that disaster prevention and preparedness all too often does not gure high enough on the list of priorities of governments, local communities and citizens.[113]

- 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".[114] 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 suf ciently 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."[115] 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." [116] A disconnect between the government social safety net program for rural areas and humanitarian food aid was identi ed in the Ethiopian drought response.[117] In Somalia, the need for "principled engagement with government and local authorities at national, regional and local levels to encourage and support them to ful l their responsibilities to assist and protect their own citizens" was identi ed, too. [118] 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 of ces are represented, or giving participants the opportunity to edit, improve on and add data on highlighted priorities." [119] The evaluation also found that agencies rarely "go through technical departments or engage directly with political leaders in ministries and the prime minister's of ce." [120]

- 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." [121] One reason identi ed was the "huge amounts of funding [which] encouraged a virtual obsession with "upward"' accountability to donors, the media and the public in donor countries." [122] Similarly, in Haiti "[t]he affected population was largely excluded

112 Clayton et al (n 107), p. 19.

113 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.

114 Indian Ocean tsunami evaluation (n 103), p. 11.

115 IASC Inter-agency Humanitarian Evaluation (n 105), p. 6.

116 Ibid., p. 41.

117 Ethiopia evaluation (n 108), p. 3, para. 6.

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

119 Clayton et al (n 107), p. 19.

120 Ibid.

121 Indian Ocean tsunami evaluation (n 103), p. 4.

122 Indian Ocean tsunami evaluation (n 103), p. 11.

of livelihoods, or the development of alternative livelihoods". [137] The need to build coordination links "between humanitarian and development donors at eld level through regular coordination fora, ensuring collective planning, action and progress tracking" was highlighted in Somalia. [138]

- Problematic funding mechanisms: The Indian Ocean Tsunami evaluation found that the present "system produces an uneven and unfair ow 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." [139] 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." [140] In the Ethiopia drought responses, even though constructing permanent water schemes rather than trucking water would have been less costly as well as more ef cient and sustainable, certain donors did not allow their funds to be used for such purposes. [141] Overall, "the reluctance to fund resilience-oriented humanitarian programs" contributed to the lack of long-term impact of the Ethiopian drought response. [142] In Somalia, interlocutors felt "that donors could provide more incentives for actors […] to coordinate across the humanitarian and development 'divide.'" [143]

137 Ibid., p. 61, paras. 195 and 196.

138 Clayton et al (n 107), p. ix.

139 Indian Ocean tsunami evaluation (n 103), p. 4.

140 Haiti evaluation (n 48), p. 48.

141 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.).

142 Ibid., p. 60, para. 189.

143 Clayton et al (n 107), p. 19.

3

What States and Other Actors Are Expected to Do

3.1

POLICY OPTIONS

As discussed above (section 2.2.1) disaster displacement is a consequence of the interaction between a hazard, exposure and vulnerability.[144] This understanding facilitates the identi cation 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 nd 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 suf cient capacity of actors (government entities, civil society organizations and exposed communities) at all levels, strong coordination and collaboration between them,

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

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

3.2

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 deserti cation and land degradation. [153]

3.3

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 ood 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

153

"forced displacement of people" as factors undermining development. [166] It also includes a commitment "to cooperate internationally to ensure […] the humane treatment", inter alia, of "displaced persons," [167] and to build the resilience, inter alia, of those in vulnerable situations to climate-related extreme events and other disasters.[168] 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 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". [169] A rst 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-

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

167 Ibid., para. 29.

168 Ibid., Goal 1.5.

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

170 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).

4

How to Improve Prevention, Preparedness, Responses and Solutions

According to its Terms of Reference, the High-

(iii) effective action at the operational level; and

(iv) adequate nancial resources to support operational planning and implementation. [186]

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

4.1.1 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 rst 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 con ict-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 con ict because in mixed situations both categories of IDPs are likely to face similar challenges, most notably in their efforts to nd durable solutions. [187] Whereas, the mainstreaming approach might work better in countries with recurrent disaster displacement, but little or no displacement due to con ict 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 suf ciently addressed. [188] 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 speci c 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; [189]
2. Evidence, information and monitoring; [190]
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; [191]
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; [192]
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;

186 See below, section 4.5

187 See also above, sections 2.2.3 and 2.2.5 on how con ict contexts may contribute to the displacement of disaster-affected people.

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

189 See next bullet point.

190 See below section 4.4.

191 Above, section 3.5.

192 See below section 4.2.

8. Consultation and participation of displacement-affected communities [193] 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.

4.1.2 INSTITUTIONAL LEVEL

Institutional measures required in disaster situations have much in common with cases of con ict, particularly when sudden or slow-onset disasters occur in countries also affected by con ict. 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. [194] Thus, even when a State

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 suf ciently 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.[198]

- 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 nancial 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 scal transfers are 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. Speci c protection

198 Ministry of Peace and United Nations Ethiopia,

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." [200] 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." [201]

Once such areas are identi ed, 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 identi cation 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." [202]

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 nalize this work by the end of the year, and it is not clear to what extent these strategies will 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.

200 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).

201 UNDRR, Disaster Displacement WiA (n 42), p. 41.

202 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."

4.3

SOLUTIONS: STRENGTHENING THE NEXUS BETWEEN RELEVANT ACTORS THROUGH A COMPREHENSIVE DURABLE SOLUTIONS APPROACH

As indicated above,[203] 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 nd 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 suf cient collaboration between the actors in these elds has been identi ed as a key reason why many efforts to nd durable solutions for IDPs in protracted displacement succeed to only a limited extent.[204] 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,[205] interventions by humanitarian response, development, disaster risk reduction and climate change actors to nd durable solutions for IDPs often result in projectized approaches that are either not comprehensive (for instance, if they focus on housing but neglect livelihoods[206]) or are too expensive to be scalable. While these problems

203 Section 2.4.

204 Walter Kälin and Hannah Entwisle Chapuisat,

over a period of several years to nd solutions for IDPs.[211]

– Governments can advance durable solutions by, in particular, (i) including durable solutions in national, [212] 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,[213] 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, [214] would help to ensure that humanitarian projects contribute to solutions-related efforts;
  – Focusing on area-based interventions

211 OCHA de nes 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.

212 A good example is Somalia National Development Plan 9.

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

214 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 suf ciently 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 bene ciaries to services/utilities provided [will] be legally recognized".

215 Such a marker would ask whether a speci c 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 speci c 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.

216 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.

agencies and humanitarian and development actors, throughout the process to ensure agreement and shared ownership on the results for joined up action.[227]

- Recovery and durable solutions:
  - Conducting comprehensive durable solutions analysis adapted to the local and country context to inform effective responses.[228] For example, a pro ling of the internal displacement situation in Mogadishu that include IDPs displaced by con ict 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. [229]
  - 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),[230] which since 2016 has continuously captured data on a fortnightly basis with respect to internal displacement linked to con ict 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[231] 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 ve strategic objectives. [232]

4.5

THE RESOURCE CHALLENGE: DEVELOPING INNOVATIVE FINANCING MECHANISMS

Preventing, addressing and nding solutions for internal disaster displacement is costly. At the same time, generating funding and other resources in disaster situations may be easier than in con ict 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 nancing 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 nancing.

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

227 Joint IDP Pro ling Service (JIPS), "About Pro ling" https://www.jips.org/pro ling/about-pro ling/ accessed 9 April 2020.

228 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://bit.ly/2SYNYJt. See also UN Statistical Commission (n 223).

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

230 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/

231 Somalia Drought Impact & Needs Assessment (n 45).

232 Somalia Recovery and Resilience Framework (n 45), p. 5.

- Providing ample resources for forecast-based nancing mechanisms [233] implemented by international actors with

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 of cial population numbers; and
- Using forecast-based nancing 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-suf ciency and ultimately durable solutions;
  - Incentivizing the use of a "resilience marker" [242] 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 exible use of resources in situations of disasters (crisis modi ers). 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

242 Above, section 4.3.

243 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.

244 Above, section 4.3.

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

246 Above, section 4.3.

247 See in this regard Decisions adopted by the Conference of the Parties serving as the meeting of the Parties to the Paris

- Systematically using resilience and solutions markers for humanitarian and development programs and projects; [250]

- Systematically involving the private sector including, in particular, through public-private partnerships in areas such as i) housing solutions for IDPs who cannot return, [251] 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. [252]

- Regarding nancing, 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 nancing packages available to disaster-affected countries, and (iv) strengthening the UN Secretary-General's Peacebuilding Fund to systematically provide catalytic funding in mixed disaster-con ict situations, and using these instruments, inter alia, to prevent, address and resolve internal displacement. [253]

250 Above, section 4.3.

251 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.

252 Above, section 4.3.

253 Above, section 4.5.