

RAOUL WALLENBERG INSTITUTE

OF HUMAN RIGHTS AND HUMANITARIAN LAW

BACKGROUND BRIEF

**Key International Standards and Guidelines
Relating to Displacement in the Context of
Disasters and Climate Change**

Written by Dr Matthew Scott*

2019

*Senior researcher and head of the People on the Move thematic area, Raoul Wallenberg
Institute of Human Rights and Humanitarian Law (www.rwi.lu.se)

TABLE OF CONTENTS

1. Introduction	1
2. What is Displacement in the Context of Disasters and Climate Change?	1
3. Why is it Important for Responsible Actors to More Closely Consider the Phenomenon of Displacement in the Context of Disasters and Climate Change?	3
4. An Overarching Human Rights-Based and Gender Equal Approach	3
5. Prevention of Displacement	4
5.1 Guiding Principles on Internal Displacement	4
5.2 Sendai Framework on Disaster Risk Reduction	5
5.3 UNDRR Words into Action Guidelines	6
5.4 Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation	7
5.5 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change	9
6. Protection during Evacuation and throughout the Period of Displacement	11
6.1 The Guiding Principles on Internal Displacement	11
6.2 IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters	12
6.3 IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action	14
6.4 The MEND Guide	16
6.5 Sphere Standards	17
6.6 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change	19
7. Durable Solutions	19
7.1 Guiding Principles on Internal Displacement	20
7.2 IASC Framework on Durable Solutions	20
7.3 The Durable Solutions Analysis Guide and the Durable Solutions Indicator Library	22
7.4 The Pinheiro Principles	23
8. Conclusion	25
Annex 1: Checklist of key elements of a rights-based approach to displacement in the context of disasters and climate change	26
Annex 2: Links to key guidelines and standards relevant to disaster displacement	29

1 INTRODUCTION

This Background Brief sets out key international standards and guidelines relating to displacement in the context of disasters and climate change. Recognising that the volume of even those standards and guidelines that are directly relevant to disaster displacement runs into hundreds of pages, it was considered that a background brief that condenses key principles and standards relating to all ‘phases’ of disaster displacement would be of use to actors lacking in-depth knowledge of the subject. The Background Brief serves primarily as an introduction to a series of ten law and policy reports, each of which focuses on the domestic framework addressing displacement in the context of disasters and climate change. The countries in focus in the series span the Asia Pacific region, and include China, Cambodia, Thailand, Myanmar, the Philippines, Indonesia, Nepal, Bangladesh, Vanuatu and the Solomon Islands. Each study was conducted in collaboration with academics based primarily in institutions in each of these ten countries.

Our aim is that the research outputs will contribute to further initiatives to address displacement in the context of disasters and climate change, including by promoting further integration of displacement into disaster risk reduction (DRR) and climate change adaptation (CCA) initiatives across the region.

The Background Brief has the following structure. First, a series of preliminary sections address the phenomenon, the importance of addressing the phenomenon within wider disaster risk reduction and climate change adaptation initiatives, and the underlying human rights and gender-equal approach reflected in the guidelines and standards that are presented in the remainder of the Background Brief. Then, core guidelines and standards are presented in a structure mirroring the framework established by the 1998 Guiding Principles on Internal Displacement: prevention of displacement, protection during evacuation and throughout displacement, and durable solutions.

Annex 1 provides links to the standards covered in this Background Brief.

2 WHAT IS DISPLACEMENT IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE?

According to the 1998 Guiding Principles on Internal Displacement (the Guiding Principles), internally-displaced persons are:

persons or groups of persons 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.

Displacement may result from the confluence of either sudden or slower onset hazards interacting with social conditions of exposure and vulnerability. Hence, people may be forced to leave their homes as part of an evacuation in the context of a cyclone, seek shelter in the aftermath of an earthquake, or find conditions for a sustainable livelihood in response to persistent drought or erratic weather patterns.

There is no reference to distance or duration in the definition. Hence, a person who spends the night in a storm shelter is accurately described as an internally-displaced person under the Guiding Principles on Internal Displacement. Although many return home within a short duration, some will be displaced for more protracted periods. Some people need to be resettled as returning home is no longer possible or safe. A person will remain displaced until a 'durable solution' is in place. The number of people displaced annually in the context of disasters averages around 25 million newly displaced persons per year.¹ This figure does not address the number of people who move in the context of slower onset processes, such as drought or sea level rise, as measuring the role of environmental factors in human mobility is complex and imprecise.²



Photo credit: Md Abdul Awal Khan

- 1 The Internal Displacement Monitoring Centre, the world-leading authority on data relating to internal displacement, adopts the Guiding Principles on Internal Displacement as its guide to identifying instances of displacement, expressly incorporating data on displacement irrespective of the distance people travel or the duration of time away from home. See IDMC GRID 2018 Methodological Annex 9 <http://www.internal-displacement.org/global-report/grid2018/downloads/report/2018-GRID-methodological-annex.pdf>
- 2 For detailed engagement with this issue, see the Foresight Report: Migration and global environmental change: future challenges and opportunities, UK Government Office for Science 2011 <https://www.gov.uk/government/publications/migration-and-global-environmental-change-future-challenges-and-opportunities>

3 WHY IS IT IMPORTANT FOR RESPONSIBLE ACTORS TO MORE CLOSELY CONSIDER THE PHENOMENON OF DISPLACEMENT IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE?

Displacement that takes place in the context of disasters and climate change is best understood as a kind of harm, as well as an exacerbating factor, that states and other responsible actors can take steps to minimize. Leaving home, even for a short period of time, can expose individuals to a range of risks they may otherwise have avoided. Risks are physical (such as heightened exposure to gender-based violence, reduced access to food, clean water, shelter, essential services), psychological (mental strain of being away from home, consequences of economic pressures, living in crowded temporary accommodation), economic (impacts of not being able to engage in livelihood activities tied to one's residence, being far from markets) and so forth. As a key aim of disaster risk reduction is to protect people and their assets while promoting and protecting all human rights,³ preventing displacement, protecting people during evacuation and throughout displacement, and facilitating durable solutions, should feature prominently in DRR and CCA strategies.

4 AN OVERARCHING HUMAN RIGHTS-BASED AND GENDER EQUAL APPROACH

The Guiding Principles, a soft-law instrument that reflects international human rights law principles, provides a coherent framework for states aiming to address displacement in the context of disasters and climate change in a manner consistent with their human rights obligations. The reason why human rights are the benchmark for managing displacement is because this body of international law addresses the relationship between individuals and the state. The state has a sovereign duty to protect people within its jurisdiction from foreseeable hazards, to the extent possible taking into account domestic resources and capacity, as well as the availability of international assistance.

A key element of international human rights law reflected in the Guiding Principles includes a focus on substantive rights such as the right to food, the right to shelter, the right to the highest attainable standard of health, the right to freedom of movement and so forth. These rights are established under treaties, such as the 1966 International Covenant on Economic, Social and Cultural Rights, the 2006 Convention on the Rights of Persons with Disabilities, amongst others. Non-discrimination, for reasons such as ethnicity, nationality, religious belief, political opinion, gender or sexual orientation, is a cornerstone of international human rights law that is also clearly reflected in the Guiding Principles. Additionally, principles of consultation, participation and access to information are also important aspects of human rights law that can contribute to the protection of persons from displacement, during evacuation and throughout displacement, and towards durable solutions.

Although the Guiding Principles reflect an awareness of the differential position of women

³ Sendai Framework on Disaster Risk Reduction, Paragraph 19(c).

and girls in situations of internal displacement, they do not provide sufficient depth to inform an effective gender equality approach. What is lacking in the Guiding Principles can be found in a range of guidelines and standards developed by international-level actors that address different phases of displacement. Together, these sources direct actors to recognise gender as a cross-cutting feature of displacement, which is context-specific, heterogeneous, contested and complex. Gender roles and norms within a particular social context may differ from norms and practices in other contexts within the same country or region. Further, the power relations that lie at the root of gender-based inequalities also intersect with other dynamics around ethnicity, religion, class, disability, age and so forth. A gender-equal approach to disaster displacement must take such complex and intersecting dynamics into account.

Specific standards relate to different phases of displacement. These standards and guidelines are summarised below.

5 PREVENTION OF DISPLACEMENT

5.1 Guiding Principles on Internal Displacement

Section II of the Guiding Principles on Internal Displacement sets out principles relevant to the prevention of displacement.

Principle 6 (d) declares that

Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence...

(d) In cases of disasters, unless the safety and health of those affected requires their evacuation

This provision addresses situations where responsible actors make an assessment that people need to leave their homes in order to avoid harms associated with an anticipated or ongoing hazard event or process. Recognising the significant human rights impacts associated with enforced displacement, including through evacuation or relocation. Principle 6 calls for a measured approach. The risk of harm associated with enforced displacement must be weighed against the risks of not relocating, bearing in mind states positive obligations to protect the lives of persons within their jurisdiction.

Annotations to the Guiding Principles explain:

Forced displacement in situations of natural or human-made disaster is arbitrary if it is undertaken for reasons other than the safety and health of the affected persons. This is consistent with human rights provisions guaranteeing liberty of movement and freedom to choose one's residence, which allow limitations on rights only where necessary and where objective reasons exist. Reasons other than those mentioned in subparagraph (d) are hardly imaginable in situations of natural or human-made

disasters. Under certain circumstances the duty to protect as a state obligation inherent in the right to life may require authorities to order and implement evacuations in order to avert imminent and serious dangers (see European Court on Human Rights, *Öneryıldız v Turkey*, Application 48939/99 (2004), para. 89).⁴

The MEND Guide, considered in more detail below, provides a set of key questions responsible actors should ask when deciding whether to enforce displacement in the context of disasters:

- Does it have a legal basis?
- Does it serve a legitimate aim?
- Is it proportional?
- To the extent possible, is it carried out after the persons concerned have been informed and consulted?
- Is it carried out in a manner consistent with other human rights?⁵

Additional relevant questions are also provided in the MEND Guide.

There is thus a clear principle relating to arbitrary displacement in the context of disasters and climate change.

However, states are required to take steps to prevent displacement in the first place, in line with positive obligations relating to the protection of life, property, physical security, shelter, food, health and so forth, all of which can be seriously adversely affected in situations of internal displacement. Principle 5, which emphasises the importance of states fulfilling their human rights obligations so as to avoid situations giving rise to displacement, can be read as including states' disaster risk reduction and climate change adaptation obligations. Unfortunately, unlike the clarity provided by the Annotations to Principle 6, there is little in Principle 5 of the Annotations to that Principle that clarify what states are expected to do to prevent displacement in the context of disasters and climate change. Although human rights monitoring bodies are beginning to develop guidelines around how states can fulfil their human rights obligations in the context of disasters,⁶ a clear starting point is to address commitments under the Sendai Framework on Disaster Risk Reduction.

5.2 Sendai Framework on Disaster Risk Reduction

The Sendai Framework on Disaster Risk Reduction (SFDRR) reflects the ambition of the international community to tackle disaster risk at multiple levels and through a host of activities as set out in the document. The promotion and protection of human rights, together with commitments to inclusion and gender equality are expressly endorsed in the

4 Walter Kälin, *Guiding Principles on Internal Displacement: Annotations* (American Society of International Law and the Brookings Institution, 2008) https://www.brookings.edu/wp-content/uploads/2016/06/spring_guiding_principles.pdf

5 MEND Guide, 31

6 See for example CEDAW, General Recommendation No 37 on Gender-related dimensions of disaster risk reduction in the context of climate change (7 February 2018) https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf

SFDRR as part of the necessary steps required to address disaster risk.⁷

Addressing the risk of displacement in the context of disasters is recognized as a feature of disaster risk reduction, and priorities are also set relating to evacuation, protection during displacement and some forms of durable solution.

5.3 UNDRR Words into Action Guidelines

Some specific measures that can help prevent displacement are set out in UNDRR's recent Words into Action Guidelines (the UNDRR Guidelines), and include, for example, gathering specific data on displacement risk in existing disaster risk assessment methodologies. Examples include data on displacement associated with previous disasters, assessments of groups likely to face higher levels of displacement risk and displacement risks as perceived by vulnerable and marginalised communities. These considerations may inform and enhance existing disaster risk assessment methodologies, such as Vulnerability and Capability Assessments (VCAs).

In line with the whole of society approach endorsed by SFDRR, the Words into Action Guidelines identify a number of actors whose collaboration is important for reducing the risk of displacement in the context of disasters and climate change, including land planning and management authorities, immigration authorities, humanitarian and human rights actors, climate change adaptation specialists, environmental entities, workers' and employers' organisations and representatives of people displaced by disasters and those at risk of displacement.⁸

Standard Operating Procedures (SOPs) that are time-bound and specific are also encouraged as a way of reducing the risk of displacement.

Planned relocation is another strategy that authorities can use where there is a clear risk of disaster displacement. The UNDRR Guidelines emphasise that considerable caution is called for when planned relocation is being considered, due to the significant human rights implications associated with moving people from their homes. Reference is made to the Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation, produced by Brookings, Georgetown and UNHCR in 2015 (considered below). Additionally, supporting adaptation and resilience-building strategies, including strategies with a mobility component, can help prevent displacement.⁹

As an alternative, where enhancing the quality of settlements is possible, states may consider the formal recognition of informal or marginal settlements to ensure their inclusion in local DRR strategies and plans. A related step entails making investments in both 'hard' and 'soft' infrastructure. 'Soft' infrastructure entails, for example 'mapping, usage zoning, erosion control, drainage, land-use assessments, investments in community shelter management and maintenance programmes, and policy and advocacy regarding land rights and tenure.'¹⁰

7 SFDRR, para 19

8 UNDRR, 27

9 *ibid.*, 32, 35

10 Davina Wadley, 'Shelter interventions prevent and mitigate displacement,' *Forced Migration Review* 41, December 2012, <https://www.fmreview.org/preventing/wadley>

Critically, a legal framework that addresses displacement in the context of disasters and climate change should be developed or strengthened. The domestic legal framework is the focus of the law and policy report series that this Background Brief supports.

5.4 Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation

The Guidance on Planned Relocation responds to the call issued at the 2010 Cancun Conference of the Parties for enhanced action and international cooperation on planned relocation as one of three types of human mobility that should be considered within climate change adaptation measures.¹¹ The Guidance defines Planned Relocation as:

a planned process in which persons or groups of persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives. Planned Relocation is carried out under the authority of the State, takes place within national borders, and is undertaken to protect people from risks and impacts related to disasters and environmental change, including the effects of climate change. Such Planned Relocation may be carried out at the individual, household, and/or community levels.

Planned relocation does not sit comfortably within the framework provided by the Guiding Principles on Internal Displacement, which address prevention of displacement, protection during displacement and durable solutions.



An abandoned village, which was directly affected by the Mt Sinabung Eruption in Indonesia in 2017
Photo Credit: A. Umar & A Putra

¹¹ UNFCCC, Decisions adopted by the parties, FCCC/CP/2010/7/Add.1 <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>

Although, like internally displaced persons, people involved in planned relocation may also feel compelled to leave their homes in order to avoid exposure to disasters, the process of planned relocation also envisages a durable solution. Relocation may take place in anticipation of a disaster, or in response, as a means of providing a durable solution to internal displacement.

However, where the requisite conditions for a durable solution are not met in the place of relocation, then planned relocation may simply amount to a different form of internal displacement, and a form that is likely to be protracted, given the permanence implied by the definition's use of the term 'settled.' Hence, to avoid planned relocation turning into protracted displacement, the Guidance on Planned Relocation highlights important considerations:

The Guidance presents planned relocation as a six-step process:

1. Determination of whether relocation is necessary
2. Analytical studies and assessments, followed by an intensive participatory process of formulating a Planned Relocation plan
3. Preparations for the physical move, including, in some cases, acquisition of land and provision of infrastructure
4. The move
5. A transitional period during which the livelihoods and living standards of relocated persons are restored
6. Relocated persons are incorporated into all aspects of life in the new setting and no longer have needs or vulnerabilities stemming from the Planned Relocation

The process is recognised as being complex and of potentially lengthy duration. The Guidance highlights the importance of engaging different disciplines including anthropologists, economists, urban planners, natural scientists, and legal experts.

The Guidance sets out 14 overarching principles that should inform any approach to planned relocation. Amongst these are the recognition that any process must be informed by a human rights approach that recognizes the responsibility of the state to respect, protect and fulfil the human rights of persons within its jurisdiction. Procedural considerations feature prominently, with emphasis on participation across the whole of society, taking into account particular vulnerabilities and capabilities of different groups, including those often marginalized. Non-discrimination is also an overarching principle.

A further set of principles relating to the necessary legal and policy framework are then set out, followed by a set of principles relating to the requisite institutional framework.

The Guidance then goes into greater detail regarding the necessary considerations informing the assessment of the need to relocate, as well as planning and implementation.

For such an inherently complex process, the 22 page Guidance cannot provide sufficient

detail to assist states in effective implementation.¹² Hence, a subsequent ‘toolbox’ has been developed. The toolbox draws upon research insights that reflect the following five core elements of an effective planned relocation process:

1. Establishing and complying with an appropriate legal framework
2. Understanding and addressing the needs and impacts of Planned Relocations on affected populations
3. Providing information to, undertaking consultation with, and ensuring the participation of, affected populations
4. Understanding and addressing complexities related to land issues
5. Undertaking monitoring and evaluation, and ensuring accountability

A series of checklists are provided for each of these five core elements, addressing such points as:

- Do the laws, policies or regulations require the collection of data on, and monitoring and evaluation of, Planned Relocation, including different phases of the process, or provide a framework for creating and implementing such mechanisms
- Is there a clearly delineated physical area from which people are to be relocated? Are the reasons for this particular delineation in line with scientific evidence?
- Potential protection risks to Relocated Persons, advice on how to mitigate those risks and information on both ways of reporting protection threats and resources for responding to them when they do occur

With a substantial list of relevant considerations relating to each of the five core elements, the toolbox is highly relevant. Similarly detailed checklists are provided for considering relevant points relating to the decision to relocate, preparation and the process of relocation. To some extent, these checklists are informed by the joint publication by the World Bank and the Global Facility for Disaster Risk and Recovery (GFDRR), entitled *Populations at Risk of Disaster: A Resettlement Guide*,¹³ which provides still further detailed considerations across its nearly 150 pages.

Clearly, the Guidance and the toolbox present planned relocation as a highly complex process that is to be seen primarily as a last resort. Any initiative concerning planned relocation would have to draw heavily on the above-described guidance materials.

5.5 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change

Further steps that states may take to prevent displacement are set out in the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (the ‘Protection Agenda’). Endorsed by 109 states in October 2015, the Protection Agenda is the outcome of a state-led, bottom-up consultative process

¹² See reference to the toolbox in Annex 1

¹³ World Bank and GFDRR, *Populations at Risk of Disaster: A Resettlement Guide*, 2011, http://www.gfdr.org/sites/gfdr/files/publication/resettlement_guide_150.pdf

carried out over approximately three years and across (sub) five regions.¹⁴ Initiated in the first place to address the particular challenges relating to cross-border disaster displacement, the Protection Agenda recognises that much of the work that needs to be done to address the phenomenon begins with domestic disaster risk reduction and climate change adaptation initiatives. Within this context, the following steps are identified as potentially helping states to prevent displacement:

- Elaborating new or reviewing separate or joint climate change adaptation and disaster risk management strategies, plans or laws at all levels, in close cooperation with local governments and affected communities, to specifically incorporate disaster displacement risks and protection needs
- Taking measures to identify people at risk of displacement in the immediate and long term, and develop appropriate responses, in particular by:
 - » Encouraging local communities to develop and institutionalize community-based and traditional disaster risk mapping tools and methodologies to establish preparedness and response plans with the support of local and national authorities, civil society and the private sector, in particular to identify potential areas suitable for evacuation and, if necessary, planned relocation
 - » Establishing preparedness and early warning systems that clearly describe the hazards, identify populations most at risk of displacement, determine evacuation corridors and sites, and ensure that information reaches affected communities and can be easily understood by them
 - » Prioritizing infrastructure improvements, such as sea-walls, dams, dykes, and earthquake resistant buildings, in areas where people are most at risk of displacement
 - » Investing in measures, such as improving housing, livelihood diversification, education, food security, and health care, that increase the resilience and adaptive capacity of persons and groups of persons at risk of displacement, those that have to move or are already displaced, as well as host communities.
 - » Enhancing the disaster risk reduction and climate change adaptation capacity of local authorities and communities
 - » Ensuring that, where needed, countries have adequate access to climate change adaptation and other relevant funding for human mobility related programs and activities
 - » Developing bilateral and regional contingency plans that identify transboundary risk scenarios and formulate comprehensive disaster risk management measures to reduce vulnerability and strengthen capacity to respond to cross-border disaster-displacement¹⁵

The key policy message emerging from the guidelines surveyed above is that displacement, as a distinct form of harm as well as an amplifier of other forms of harm that arise in the context of disasters and climate change, should be more fully integrated into planning and preparedness initiatives at all levels.

14 For information on the Nansen Initiative, see its successor the Platform on Disaster Displacement at www.disasterdisplacement.org.

15 Protection Agenda, 34

6 PROTECTION DURING EVACUATION AND THROUGHOUT THE PERIOD OF DISPLACEMENT

When displacement cannot be prevented, it must be managed in accordance with established international human rights standards.

6.1 The Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement provide the starting point for identifying key rights-based standards relevant to protecting persons who have been displaced in the context of disasters and climate change. The Principles open at Principle 1 and 4 by reaffirming the fundamental obligations of equality and non-discrimination. Principle 1 confirms that IDPs shall not be discriminated against in relation to non-displaced persons, whereas Principle 4 addresses discrimination between IDPs, on the basis, for example, of race, religion, gender and so forth. Principle 4 also reflects the positive obligation on states to address the needs of particular categories of individual who may require tailored assistance:

Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Protection in the context of internal displacement is thus not monolithic, but requires responsible actors to pay attention to issues of gender, age, disability and other distinguishing personal characteristics.

Specific provisions relating to protection during displacement are set out in Section III. Although not all provisions relate prima facie to displacement in the context of disasters and climate change in particular, it warrants recalling that disasters, climate change and conflict often overlap, making all of the following principles potentially relevant in displacement situations:

- Protection from a range of forms of violence, including gender-specific violence (Principles 10-11)
- Protection from arbitrary deprivation of liberty (Principle 12)
- Protection of children from recruitment into armed forces, and provisions relating to non-discrimination in the context of recruitment into armed forces generally (Principle 13)
- Freedom of movement, the right to leave one's country and to seek asylum, and protection from involuntary return or resettlement where life, safety, liberty and/or health would be at risk (Principle 14-15)
- Family unity, missing relatives and mortal remains (Principle 16-17)
- The right to an adequate standard of living and to medical assistance (Principle 18-19)

- Identity and property (Principle 20-21)
- Non-discrimination (Principle 22)
- Right to education (Principle 23)

These protections are elaborated upon, in greatest detail, in the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters.

6.2 IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters

The IASC Operational Guidelines on the Protection of Persons in Situation of Natural Disasters provides a framework for approaching humanitarian response from a human rights-based approach. The Guidelines are directed towards international agencies and non-government organizations in the first instance, although it is recognised that states may also find the Guidelines useful.¹⁶

The Guidelines open with a list of human rights challenges that arise in the context of disasters, including:

- Lack of safety and security (e.g. rampant crime, secondary impacts of natural disasters, etc.)
- Gender-based violence
- Unequal access to assistance, basic goods and services and discrimination in aid provision
- Abuse, neglect and exploitation of children
- Family separation, particularly for children, older persons, persons with disabilities and other individuals who may rely on family support for their survival
- Loss/destruction of personal documentation and difficulties to replace it, in particular due to inadequate birth registration mechanisms
- Inadequate law enforcement mechanisms and restricted access to a fair and effective justice system
- Lack of effective feedback and complaint mechanisms
- Unequal access to employment and livelihood opportunities
- Forced relocation
- Unsafe or involuntary return or resettlement of persons displaced by the disaster
- Lack of property restitution and access to land¹⁷

Clearly, the Guidelines are heavily attuned to the distinctive challenges faced by particular groups, and also reflect a number of considerations that also feature prominently in the Guiding Principles on Internal Displacement.

The importance of participation is emphasised, whereby ‘affected persons should be

¹⁶ IASC Operational Guidelines, 8

¹⁷ *ibid.*, 1

informed and consulted on measures taken on their behalf and given the opportunity to take charge of their own affairs to the maximum extent and as early as possible,' with a particular emphasis on the inclusion of groups and individuals traditionally marginalized.¹⁸

The Guiding Principles on Internal Displacement are expressly invoked as applying to persons who have been ordered or forced to leave their homes or who have been evacuated.¹⁹

The expressly human rights-based approach groups rights in a hierarchy, which helps humanitarian relief actors decide how to target their interventions:²⁰

- Group A rights include protection of life, security and physical integrity of the person, and family ties
- Group B rights include protection of rights related to the provision of food, health, shelter and education
- Group C rights include protection of rights related to housing, land and property, livelihoods and secondary and higher education
- Group D rights include protection of rights related to documentation, movement, re-establishment of family ties, expression and opinion, and elections

Substantial attention is paid to displaced persons within the Operational Guidelines, both in the context of evacuation as well as longer-term displacement. Good practices include:

- Making arrangements for protective shelters and urging people to go to them
- Providing information about evacuation routes in a language people can understand and in a manner that is accessible to them
- Providing assistance for persons with special needs enabling them to leave
- Ensuring that information about evacuation measures and assembly sites are publically announced in all areas at risk
- Identifying persons with special needs and mobility challenges, including persons with disabilities, older persons, persons in hospitals and homes, or prisoners, and providing transportation for them
- Providing transportation for affected populations in general
- Providing protection for homes and possessions left behind
- Establishment of up-to-date photographic records of property and belongings
- Informing and consulting populations at risk on where they are being evacuated to and for how long
- Consulting populations at risk on the reasons why people do not want to be evacuated
- Registering evacuated persons and their belongings and monitoring their evacuation, and in particular evacuated children and their parents

18 *ibid.*, 11

19 *ibid.*, 12

20 Traditionally, it is recognised that human rights are indivisible, interconnected and interdependent (Vienna Declaration 1993), yet having a pragmatic hierarchy of interventions in an emergency setting appears to be a reasonable exception to this general principle, notwithstanding the recognition that the 'exceptionality' of disasters can be leveraged by certain actors seeking to avoid accountability.

- Conducting assessments of the safety of evacuation centres or temporary shelters to ensure the minimum physical safety requirements are fulfilled and, to the extent possible, taking measures to mitigate identified risks
- Establishment of suitable forms of self-governance and structures of participation among the displaced persons hosted in the evacuation centre, including persons with specific needs
- Set up mechanisms to inform in a timely manner all persons hosted in the evacuation centre about the situation and future prospects
- Conducting awareness raising and training activities on protection of displaced persons hosted in the evacuation centre, and using these opportunities to collect information on potential protection issues.

A host of other standards are set out in the Operational Guidelines, making this document an exceptionally relevant resource for protecting persons displaced in the context of disasters.

Particular consideration is given to the need to protect people against violence, including gender-based violence. Important steps that can be taken in the context of evacuation include:

- Avoiding large or overcrowded collective shelters
- Including representatives of affected populations, including women, children, older persons and persons with disabilities in the design of camps and collective centres, including in relation to lighting and safe access to food distribution, water points, sanitation facilities, fuel sources, health, education and other community facilities.
- Separating men who are not family members from women and children
- Establishing child and women-friendly procedures to enable victims and their families to report incidents of domestic violence and to address such incidents
- Establishing a system of shelter ombudspersons or other complaints and monitoring systems
- Locating washing and communal sanitary facilities, water points, food distribution points, fuel sources, health and education facilities close to living and sleeping quarters, or providing secure access, including through the provision of guards.

Similar guidelines are found in the IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action.

6.3 IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action

The IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action replace an earlier version developed in 2005. This authoritative reference reflects the combined expertise of countless humanitarian actors, as indicated in this description of how the Guidelines were developed:

The content and design of the revised Guidelines was informed by a highly consultative process that involved the global distribution of multi-lingual surveys in advance of the revision process to help define the focus and identify specific needs and challenges in the field. In addition, detailed inputs and feedback were received from over 200 national and international actors both at headquarters and in-country, representing most regions of the world, over the course of two years and four global reviews. Draft content of the Guidelines was also reviewed and tested at the field level, involving an estimated additional 1,000 individuals across United Nations, INGO and government agencies in nine locations in eight countries.²¹

Key camp coordination and camp management (CCCM) steps that responsible actors can take to address the risk of gender-based violence in situations of displacement include:

- Ensuring sufficient lighting and security patrols are in place from the onset of establishing displacement camps²²
- Promote the active participation of women, girls and other at-risk groups within the affected population in all CCCM assessment processes
- Analyse the physical safety in and around sites as it relates to risks of GBV
- Identify and pre-position age-, gender-, and culturally appropriate supplies for CCCM that can mitigate risk of GBV
- Develop CCCM proposals that reflect awareness of GBV risks for the affected population and strategies for reducing these risks
- Involve women as staff and administrators in CCCM operations
- Involve women, adolescent girls and other at-risk groups as participants and leaders in community-based site governance mechanisms and decision-making structures throughout the entire life cycle of the camp
- Prioritize GBV risk-reduction activities in camp planning and set-up
- Consult with GBV specialists to identify safe, confidential and appropriate systems of care (i.e. referral pathways) for survivors, and ensure CCCM staff have the basic skills to provide them with information where they can obtain support
- Ensure that CCCM programmes sharing information about reports of GBV within the CCCM sector or with partners in the larger humanitarian community abide by safety and ethical standards
- Ensure GBV risk reduction is a regular item on the agenda in all CCCM-related coordination mechanisms
- Undertake coordination with other sectors to address GBV risks and ensure protection for women, girls and other at-risk groups
- Identify, collect and analyse a core set of indicators—disaggregated by sex, age, disability and other relevant vulnerability factors—to monitor GBV risk-reduction activities throughout the programme cycle

²¹ IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action, 2015, ii

²² *ibid.*, 1

6.4 The MEND Guide

Draft guidelines on evacuations in the context of disasters have been developed by the Global Camp Coordination and Camp Management (CCCM) Cluster, which works with national authorities to support their responsibility to administer camps, informal settlements, collective centres or other communal settings through capacity building, expert technical support, and strategic planning to prevent and cope with massive displacement of populations and move towards durable solutions.²³

The Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (the 'MEND Guide'), defines evacuation as:

the rapid movement of people away from the immediate threat or impact of a disaster to a safer place of shelter. It is commonly characterized by a short time frame, from hours to weeks, within which emergency procedures need to be enacted in order to save lives and minimize exposure to harm²⁴

Shelter may be in an evacuation shelter, with friends or family, or at spontaneous sites such as open air or using ad hoc shelter materials. Some people remain displaced for months and even years, whilst others return quickly to their homes or what remains of their homes, at times even against official warnings or injunctions.

The Guide highlights the harm associated with evacuation, noting that evacuees can suffer up to twice the rate of illness of others affected by an emergency but who are not dislocated from their homes and communities.²⁵

Planning is central to rights-based evacuation, and planning begins with understanding the range of needs and capabilities of persons potentially to be evacuated²⁶ and identification of key services such as schools, hospitals, care homes, prisons, public and private transport providers, hotels and civil society organizations.²⁷

The assessment of risks and differential needs is recognised as being an ongoing and dynamic process.²⁸

Clarification of roles, resource implications, and timeframes is an essential part of planning for evacuations.²⁹

The particular needs of women and girls, children (including those separated from their families) and persons with disabilities, members of LGBTI communities and other potentially socially excluded or disadvantaged communities need to be addressed.³⁰

23 <http://www.globalccmcluster.org/about-us>

24 MEND Guide, 16-17

25 *ibid.*, 12 Citing Whiteford, L. M, & Tobin, G. A. (2004) 'Saving Lives, Destroying Livelihoods: Emergency Evacuation and Resettlement Policies,' in *Unhealthy Health Policies: A Critical Anthropological Examination* Eds. Castro, A. & M. Springer. Walnut Creek, California: AltaMira Press

26 *ibid.*, 14

27 *ibid.*, 14

28 *ibid.*, 15

29 *ibid.*, 34-38

30 *ibid.*, 39-40

To assist responsible actors, the MEND Guide includes a template Evacuation Plan. A clean template is provided first, including space for, inter alia:

- relevant law and policy
- evacuation coordination and management structure
- hazard monitoring
- information exchange
- pre-identification of suitable shelter
- authority and criteria to activate the plan
- communication of early warning data into public warnings
- security in evacuation zones
- return and alternative solutions
- division of responsibilities at pre-evacuation, during evacuation and durable solutions phases

The Guide then works through the template with a richly detailed example, pointing out the main issues for inclusion and consideration while planning.

6.5 Sphere Standards

Many of the documents discussed in this briefing paper provide guidelines and good practices. They provide frameworks within which responsible actors can craft their own responses according to the specific situation on the ground. The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response does something different. The Standards are focused on the period of humanitarian response, covering activities which meet 'the urgent survival needs of disaster-affected populations. This phase can range from a few days or weeks to many months and even years, particularly in contexts involving protracted insecurity and displacement.'³¹

The Sphere Standards set out precise technical standards for a wide range of humanitarian interventions, including WASH, food security and nutrition, shelter, settlement and non-food items, and health action. These technical standards are grounded in three more conceptual frameworks, including

- The Humanitarian Charter
- The Protection Principles
- The Core Standards

In addition, cross-cutting themes relating to gender, older people, persons with disabilities, children and others inform all engagement.

The Humanitarian Charter expresses the 'shared conviction' of humanitarian agencies 'that all people affected by disaster or conflict have a right to receive protection and assistance to ensure the basic conditions for life with dignity. The Charter grounds itself within international

³¹ SPHERE Standards, 9

humanitarian law, human rights law and refugee law, and, for the purposes of the Charter, consolidates these vast, intersecting bodies of law into three core rights:

- the right to life with dignity
- the right to receive humanitarian assistance
- the right to protection and security.³²

The 'Protection Principles' are concerned with the way these rights should inform humanitarian practice. They include:

1. Avoid exposing people to further harm as a result of your actions
2. Ensure people's access to impartial assistance – in proportion to need and without discrimination
3. Protect people from physical and psychological harm arising from violence and coercion
4. Assist people to claim their rights, access available remedies and recover from the effects of abuse³³

These four principles are developed in detail.

The six Core Standards 'provide a single reference point for approaches that underpin all the standards in the Handbook.' They include:

- People-centred humanitarian response
- Coordination and collaboration
- Assessment
- Design and response
- Performance, transparency and learning
- Aid worker performance³⁴

The following standards relating to WASH provide an indication of the kinds of standards addressed in the technical part of the Sphere Standards Handbook:

- Water supply, sanitation and hygiene promotion (WASH)
- Hygiene promotion
- Water supply
- Excreta disposal
- Vector control
- Solid waste management
- Drainage

As standards that apply in disaster situations where humanitarian actors are coordinating the urgent survival needs of disaster-affected populations, the Sphere Standards are highly

³² *ibid*, 21

³³ *ibid*, 29

³⁴ *ibid*, 50

relevant for the very practical considerations that relate to addressing the many needs of persons displaced in the context of disasters.

6.6 Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change

Unlike many of the other standards considered above, which are directed primarily to the international humanitarian community, the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change sets out steps that state actors can take to operationalise international standards. Steps may include:

- Reviewing domestic legislation or policies on internal displacement to identify whether the notion of IDPs includes those displaced in disaster contexts, and if not consider expanding that notion in line with the UN Guiding Principles on Internal Displacement and relevant (sub)regional instruments.
- Reviewing domestic legislation and policies on disaster risk management to identify whether they contain specific and adequate provisions addressing all stages of disaster related internal displacement and, if not, revise such laws and policies in line with the UN Guiding Principles on Internal Displacement and relevant (sub-)regional instruments.
- Specifically incorporating IDP protection considerations, and clarifying roles and responsibilities of relevant actors within disaster risk reduction and humanitarian response plans, as well as relevant development plans, in accordance with respect for the human rights of IDPs.
- Strengthening the institutional capacity and resources of national and local authorities to enhance protection and support for IDPs in disaster contexts.
- Ensuring that projects and programs regarding humanitarian assistance, early recovery and durable solutions in disaster contexts provide meaningful information and opportunities for consultation with and participation by displacement-affected persons or groups of persons, those at risk of displacement and host communities.³⁵

Together, these standards and guidelines, and the many other more general human rights principles upon which they are based, provide a robust framework within which states may develop and refine their own (sub)national mechanisms for ensuring the protection of persons during evacuation and throughout displacement.

7 DURABLE SOLUTIONS STANDARDS

The IASC Framework on Durable Solutions defines a durable solution:

A durable solution is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement.

³⁵ Protection Agenda, 39

A durable solution can be achieved through:

- Sustainable reintegration at the place of origin (hereinafter referred to as “return”)
- Sustainable local integration in areas where internally displaced persons take refuge (local integration)
- Sustainable integration in another part of the country (settlement elsewhere in the country).³⁶

The Framework, addressed below, develops the limited guidance on durable solutions set out in the Guiding Principles on Internal Displacement.

7.1 Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement provide the starting point for identifying key rights-based standards relevant to facilitating durable solutions for persons displaced in the context of disasters and climate change.

Principle 28 recognises that competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally-displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country.

Principle 29 addresses non-discrimination obligations relating to IDPs who return to their homes or places of habitual residence, or who have been resettled, and also addresses the responsibility of the competent authorities to assist IDPs to recover, to the extent possible, their property and possessions which they left behind, or to provide compensation or another form of just reparation.

Principle 30 emphasizes the importance of facilitating access to international humanitarian and development actors to assist IDPs in finding durable solutions.

These principles are further developed in the IASC Framework on Durable Solutions.

7.2 IASC Framework on Durable Solutions

The IASC Framework on Durable Solutions (the IASC Framework) aims to foster a better understanding of the concept of durable solutions for IDPs, to provide general guidance on the process and conditions necessary for achieving a durable solution and to assist in determining to what extent a durable solution has been achieved. The Framework is thus a source of information, a guide to process, and a tool for evaluation. The Framework is directed towards international and civil society organizations, but is also recognised as having relevance for governments themselves.³⁷ The Framework recognises the process of securing durable solutions as complex and multi-faceted, often entailing a ‘gradual diminishing of displacement-specific needs.’³⁸

³⁶ IASC Framework on Durable Solutions, 5

³⁷ *ibid.*, 3

³⁸ *ibid.*, 7

The Framework adopts an expressly rights-based approach, emphasising key principles, including amongst others voluntary and informed choice on what durable solutions to pursue, and active participation in planning and management of durable solutions.³⁹ Developing Principle 28 of the Guiding Principles referred to above, the Framework asserts that ‘no coercion must be used to induce or prevent return, local integration or settlement elsewhere in the country.’⁴⁰

A range of good practice examples from around the world are provided.

Taking an expressly gender-equal approach, the Framework highlights important steps to ensure participation of women in reaching durable solutions, including in particular the identification of and active collaboration with women’s civil society organizations.

Eight criteria determine the extent to which a durable solution has been achieved:

- Safety and security
- Adequate standard of living
- Access to livelihoods
- Restoration of housing, land and property
- Access to documentation
- Family reunification
- Participation in public affairs
- Access to effective remedies and justice



An example of one of the dwellings provided to persons displaced in the context of flooding in Pakokku township during 2011. © Khin Chit Chit

39 *ibid.*, 15

40 *ibid.*, 18

'Safety and security' includes safety from disaster risks, and the Framework notes that

In the case of return to or settlement in disaster-prone areas, disaster risk reduction measures (early warning, preparedness, mitigation and adaptation) have been implemented to minimize, to the extent possible and reasonable, risks stemming from natural or human-made hazards.⁴¹

The other seven criteria are similarly developed in the Framework, including with reference to other relevant standards. For example, the criterion of restoration of housing, land and property makes reference to the Pinheiro Principles on Housing and Property Restitution for Refugees and Displaced Persons, which are addressed below.

The criteria and associated principles provide a good source of information about what constitutes a durable solution to internal displacement, but over time it has been recognised that the Framework requires further elaboration in order to assist actors in facilitating durable solutions.

7.3 The Durable Solutions Analysis Guide and the Durable Solutions Indicator Library

The Durable Solutions Analysis Guide (the Analysis Guide) was developed as part of an initiative of the Special Rapporteur on the human rights of internally-displaced persons, Prof. Chaloka Beyani, aiming to 'operationalise the IASC Framework through the development of agreed-upon indicators, tools, methodologies and guidelines for comprehensive yet practical approaches to durable solutions analysis in internal displacement contexts.'⁴² A wide range of UN agencies and international organizations, together with states and civil society organizations, participated in the process, which was coordinated and implemented by the Joint IDP Profiling Service (JIPS). The Analysis Guide compliments a set of indicators contained in the Durable Solutions Indicator Library, which is organised according to the eight criteria for durable solutions laid out in the IASC Framework. The primary intended users of these materials are national and local authorities. The indicators are aligned with the Agenda 2030 for Sustainable Development, the Agenda for Humanity, the New Urban Agenda and the Global Compacts on Refugees and on Safe, Orderly and Regular Migration.⁴³

The idea of a durable solutions analysis is developed in the Guide, emphasising assessments that compare displaced and non-displaced populations in order to discern vulnerabilities unique to displaced populations. A five-step process for conducting a durable solutions assessment is set out, taking into account two cross-cutting principles of collaboration amongst stakeholders and engagement with displacement-affected communities. The five steps in this inherently collaborative and solutions-oriented process are as follows:

1. Agreeing on a need for a durable solutions analysis
2. Designing a contextualised analysis plan

⁴¹ *ibid.*, 29

⁴² Durable Solutions Analysis, 13

⁴³ *ibid.* 14

3. Collating relevant data through mixed methods
4. Conducting a comprehensive analysis and
5. Prioritisation of action⁴⁴

The analysis itself is broken down into three main components:

1. Displaced persons' perspectives on durable solutions, including which settlement option to pursue
2. The eight criteria that determine the extent to which a durable solution has been achieved
3. Core demographic data of the displaced population⁴⁵

To this is added a macro-level analysis, including of policies and legislation, services, the built environment, economy, social cohesion together with a feasibility assessment of different interventions based on current and required resources, capacities and interests.⁴⁶

The Durable Solutions Indicator Library lists a host of indicators relating to particular themes, which reflect aspects of each of the eight durable solutions criteria identified in the IASC Framework. For example, an adequate standard of living is one of the eight criteria. Three themes are reflected in the Library, including access to basic services and goods, food security and tenure security and housing conditions. Indicators provide a depth of analysis for each of these three themes. Thus, one indicator of food security is the percentage of the target population who experienced moderate or severe food insecurity in the last year, assessed by main obstacle to obtaining sufficient food.⁴⁷ Use of the Indicator Library is not prescriptive, however, as the analysis includes identification of durable solutions indicators prioritised by IDPs as well as by actors supporting durable solutions.

The methodology has been piloted in a number of countries, and reports are available from Colombia, Georgia, Iraq, Kosovo, Myanmar, Ukraine, Sudan and Somalia.⁴⁸ To date, the methodology has not been piloted in a situation relating to displacement in the context of disasters and climate change.

7.4 The Pinheiro Principles

Amongst the options available to displaced persons, returning home is often the most compelling. However, even when the immediate dangers related to a disaster have abated, voluntary return can be hindered by a range of social and legal obstacles. The UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the 'Pinheiro Principles'), endorsed by the UN Sub-Commission on the Protection and Promotion of Human Rights in August 2005, address this issue.

44 *ibid*, 29

45 *ibid*, 18

46 *ibid*, 18

47 *ibid*, 47

48 <http://www.iips.org/en/profiling/durable-solutions/durable-solutions-pilots>

Principle 10 affirms the right to voluntary return in safety and dignity:

All refugees and displaced persons have the right to voluntarily return to their former homes, lands or places of habitual residence, in safety and dignity. Voluntary return in safety and dignity must be based on a free, informed, individual choice.

Although the Principles address persons displaced in the context of disasters as well as those displaced by conflict, the focus is on the latter, with most of the principles addressing property restitution procedures. However, the Principles are of critical importance when considering the intersection between disasters, displacement and reconstruction initiatives. Oftentimes, people displaced in the context of disasters face legal and administrative obstacles to returning to their places of habitual residence, with no-build zones being declared, or land being allocated to commercial development in the aftermath of a disaster. Challenges are particularly acute for people who habitually resided in informal settlements. The Pinheiro Principles guide states in the steps they are obliged to take under international human rights law in order to avoid breaching core rights to property and adequate shelter, amongst others, in the reconstruction phase.

Principle 15.7, for example, addresses the challenge of establishing eligibility for property restitution:

States may, in situations of mass displacement where little documentary evidence exists as to ownership or possessory rights, adopt the conclusive presumption that persons fleeing their homes during a given period marked by violence or disaster have done so for reasons related to violence or disaster and are therefore entitled to housing, land and property restitution. In such cases, administrative and judicial authorities may independently establish the facts related to undocumented restitution claims.

The Principles also address other issues that arise in situations of disaster displacement, including the challenges presented by secondary occupants (Principle 17).

8 CONCLUSION

This very brief introduction to international standards relevant to preventing displacement, protecting people during evacuation and throughout displacement, and facilitating durable solutions provides a good indication of an approach that is people-centred, participatory, aware of the differential needs and capabilities of particular groups, is committed to gender equality and non-discrimination, and is grounded in standards derived from international human rights law and informed by decades of collective experience in disaster displacement situations worldwide. Many of the guidelines and standards are addressed specifically to international humanitarian organizations, and personnel within these organizations will benefit from intensive training to develop their ability to apply these standards in the complexities of particular disaster displacement settings.

The extent to which these standards inform the practice of national-level actors is unclear, and warrants further consultation. To what extent do these international standards inform efforts to prevent displacement, protect people during evacuation and throughout displacement and facilitate durable solutions? Are these standards reflected in domestic legal and policy frameworks? How, if at all, do responsible actors at the national and sub-national levels understand and engage with these standards? These are some of the questions that underpin the ten country study coordinated by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

ANNEX 1: CHECKLIST OF KEY ELEMENTS OF A RIGHTS-BASED APPROACH TO DISPLACEMENT IN THE CONTEXT OF DISASTERS AND CLIMATE CHANGE

Prevention of displacement

	Principle	Source	Domestic Law and Policy
1	No forced evacuation unless absolutely necessary in the circumstances	(GPID Principle 6 (d)) MEND Guide	
2	Address root causes of disasters in accordance with the Sendai Framework, including in relation to infrastructure, livelihoods and so forth	Sendai Framework on Disaster Risk Reduction Protection Agenda	
3	Provision for gathering data on displacement risk, disaggregated according to gender and age and disability	Words into Action Guidelines	
4	Provisions for rights-based planned relocation to avoid displacement	Words into Action Guidelines Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation	
5	A legal framework that expressly addresses displacement in the context of disasters and climate change	Words into Action Guidelines	
6	Standard Operating Procedures that address displacement	Words into Action Guidelines	
7	Making provision for participation of people who are displaced or at risk of displacement, in making decisions about, for example, evacuation and planned relocation	Protection Agenda	
8	Infrastructure improvements	Protection Agenda	
9	Contingency planning and agreements with neighbouring countries relating to disaster displacement	Protection Agenda	

Protection during evacuation and throughout displacement

	Principle	Source	Domestic Law and Policy
10	Legal/policy framework incorporates or references the Guiding Principles on Internal Displacement (GPID)	Protection Agenda	
11	Non-discrimination in the context of displacement	GPID Principles 1 and 4	
12	Substantive rights including freedom of movement, right to adequate health and standard of living etc.	GPID in full	
13	Inclusive participation	IASC Operational Guidelines	
14	Planning, communication and administrative guidelines relating to evacuation	IASC Operational Guidelines	
15	Specific provisions relating to protection against gender-based violence	IASC Operational Guidelines IASC Gender Based Violence Guidelines MEND Guide	
16	Provision for differential needs assessment	MEND Guide	
17	Clarification of roles, resource implications and timeframes for evacuation	MEND Guide	
18	Pre-identification of suitable shelter	MEND Guide	
19	Express incorporation of measurable standards relating to WASH, food security and nutrition, shelter, health etc.	SPHERE Standards	

Durable solutions

	Principle	Source	Domestic Law and Policy
20	Express adoption of a rights-based and gender equal approach	IASC Framework on Durable Solutions	
21	Express recognition of the principle of voluntary and informed choice	IASC Framework on Durable Solutions Pineiro Principles	
22	Express recognition of the principle of active participation in planning and management of durable solutions	IASC Framework on Durable Solutions	
23	Address 8 criteria for durable solutions, including through measurable indicators	IASC Framework on Durable Solutions Durable Solutions Analysis Guide	
24	Recognition of obligations relating to the right to adequate shelter and to property as part of reconstruction	Pineiro Principles	

ANNEX 2: LINKS TO KEY GUIDELINES AND STANDARDS RELEVANT TO DISASTER DISPLACEMENT

Links to key guidelines and standards relevant to disaster displacement

- Guiding Principles on Internal Displacement <https://www.ohchr.org/en/issues/idpersons/pages/standards.aspx>
- Sendai Framework on Disaster Risk Reduction <https://www.unisdr.org/we/coordinate/sendai-framework>
- UNDRR Words into Action Guidelines <https://www.unisdr.org/we/inform/publications/58821>
- Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation <https://www.unhcr.org/protection/environment/562f798d9/planned-relocation-guidance-october-2015.html>
- Planning Relocations to Protect People from Disasters and Environmental Change: A Toolbox <https://www.unhcr.org/protection/environment/596f1bb47/planned-relocation-toolbox.html>
- Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change <https://disasterdisplacement.org/the-platform/our-response>
- IASC Operational Guidelines on the Protection of Persons in Situation of Natural Disasters https://www.ohchr.org/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf
- IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action <https://interagencystandingcommittee.org/gender-and-humanitarian-action/documents-public/guidelines-integrating-gender-based-violence>
- The Comprehensive Guide for Planning Mass Evacuations in Natural Disasters (the 'MEND Guide') https://www.globalccmcluster.org/system/files/publications/MEND_download.pdf
- The Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response <http://spherestandards.org/handbook/>
- IASC Framework on Durable Solutions <https://interagencystandingcommittee.org/other/documents-public/iasc-framework-durable-solutions-internally-displaced-persons>
- Durable Solutions Analysis Guide and the Durable Solutions Indicator Library <http://inform-durablesolutions-idp.org>
- UN Principles on Housing and Property Restitution for Refugees and Displaced Persons (the 'Pinheiro Principles') https://www.ohchr.org/Documents/Publications/pinheiro_principles.pdf
- CEDAW, General Recommendation No 37 on Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_GC_37_8642_E.pdf

Funded by:





www.rwi.lu.se

Jakarta Office: Wisma PMI, 1st floor, Jl. Wijaya

I No. 63

12160 Jakarta Selatan, Indonesia

matthew.scott@rwi.lu.se