

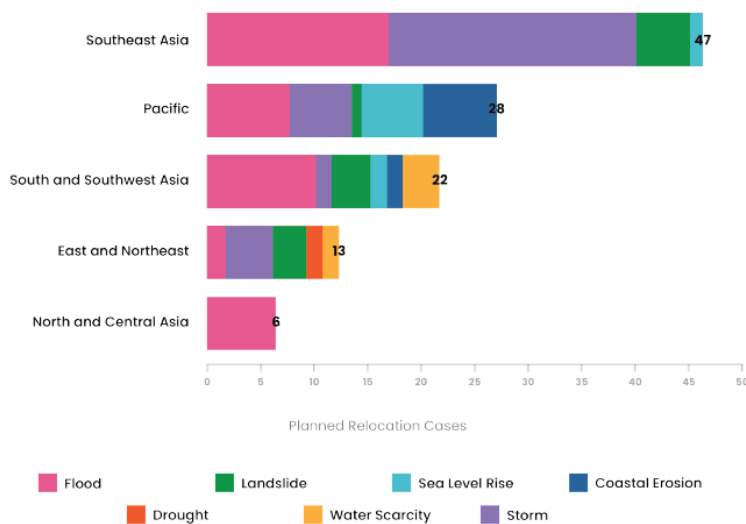
Submission by the Asia-Pacific Academic Network on Disaster Displacement  
in response to  
Call for inputs by Special Rapporteur on the right to adequate housing  
**Resettlement as a human rights issue**

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[The Asia Pacific Academic Network on Disaster Displacement](#) brings together academics working across the region in a range of disciplines. We welcome the call for submissions and contribute snapshots of ongoing work of APANDD members focusing on law, policy and practice relating to planned relocation in the region.

We first highlight the research paper titled [A Bibliometric Analysis of Research at the Intersection of Climate Change, Human Mobility, and Human Rights](#), published by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. This publication, based on the [dataset](#) from Platform on Disaster Displacement, identifies 116 planned relocation cases in the Asia Pacific region resulting from weather-related disasters. Figure 1 below, taken from the publication, illustrates that, much like the drivers of internal displacement, a significant portion of planned relocations is triggered by flooding and storm-related hazards. Southeast Asia accounts for the highest number of planned relocations, mainly due to its high exposure and vulnerability to flood and storm hazards. For instance, the Philippines, situated in the storm-prone region, has been the site of 25 planned relocations out of 47 identified cases in Southeast Asia. Meanwhile, in the Pacific sub-region, alongside planned relocations due to flooding and storms, coastal erosion and rising sea levels have prompted 13 identified relocations, particularly in island nations like Fiji, Solomon Islands, and Kiribati, characterized by small island features. This underscores the potential for both rapid and slow onset climate-related hazards to induce more planned relocations in the future. Notably, the North and Central Asia sub-region exhibits the fewest planned relocations, aligning with the region's trends in internal displacement.



**Figure 1.** Planned relocation cases by weather-related hazards (RWI, 2023)

Further research is essential to gain a deeper understanding of the intricate connection between climate change impacts, planned relocation, and the safeguarding of human rights in the Asia Pacific region.

In addition to this bibliometric analysis, APANDD members have published case studies relating to planned relocation in the context of disasters and climate change, and new case studies are being developed for publication. This submission includes information about planned relocation in Nepal, Sri Lanka, Bangladesh, the Solomon Islands, Fiji and Vanuatu. Existing case studies have been published in the volume [Climate Change, Disasters and Internal Displacement in Asia and the Pacific: A Human Rights-Based Approach](#) (Routledge 2022), edited by Matthew Scott and Albert Salamanca. Another volume entitled ‘Climate-Related Human Mobility in Asia and the Pacific: Interdisciplinary Rights-Based Approaches’, edited by Stellina Jolly, Nafees Ahmed and Matthew Scott, will be published by Springer Nature in 2024.

### *Nepal*

In his contribution to the Routledge volume, “Nepal: Protracted displacement from Haku Village Development Committee in the aftermath of the 2015 earthquakes”, Bala Raju Nikku shows how Indigenous Tamang residents of Haku village became displaced in the aftermath of the 2015 earthquakes. Two wards in Haku village were assessed as being unsafe for future habitation. However, despite wanting to be resettled from the temporary shelters they had moved to, many people remained displaced three years after the earthquake. The study includes examples of people not being included in lists of residents to be relocated, and people who

received plot allocations not having access to basic utilities. Residents found the bureaucracy extremely difficult. The study further notes that, despite the 2007 National Policy on Internal Displacement providing that “programmes relating to subsidized loan and provisions will be made for assisting them in the activities of purchasing land” (s. 8.3.5), there is no reference to this Policy in the policy response to the 2015 earthquakes, including the National Reconstruction Act and the Post Disaster Recovery Framework. However, the Framework provides that the National Reconstruction Authority “will also develop social safeguards when implementing relocation of villages, ensuring that peoples’ rights are respected and that they have equal access to basic services” and that when relocation does take place settlement must be ‘within the same district if possible, or in a near-by district, to ensure the continuity of community life, livelihoods and cultural practices.’”

The study also cites Concluding Observations from the 2016 periodic review for Nepal by the Committee on the Rights of the Child, which noted ‘Denial of indigenous peoples’ free, prior and informed consent with regard to resettlement and reconstruction decisions affecting them and their children after the 2015 earthquake.’

The study concludes:

The Post-Disaster Recovery Framework provides for both reconstruction and relocation, and includes relevant rights-based safeguards. The challenges relate to the multiple social, political, geographical and other factors that complicate the implementation of law and policy in other contexts. Some aspects of the legal and policy framework might need to be improved to better reflect key international standards and guidelines. However, in light of the insights gained from this research, it seems that a better approach would be to focus on improvements in public administration of the existing system, and address underlying issues such as the lack of formal land title.

### *Sri Lanka*

In Sri Lanka, Dinushika M. Yapa Abeywardhana has examined the landslide-induced relocations in Aranayake, and her study will be published in the Springer Nature volume. In May 2016 a massive landslide occurred in Samasara Kanda (‘Samasara’ Mountain) in Aranayake, resulting in the death of over 100 people and damaging or destroying buildings. Amongst other outcomes, people were relocated, with the support of a Resettlement Authority established in 2007. The study highlights differences in the experience of people moved to different sites. One site, the China friendship village, included ready-constructed housing. However, the housing makes it difficult for people to live in the same way as they had

previously, disrupting cultural practices and impacting social relations. Another site, Panapura Watta, required resettled people to build their own shelters, which remained incomplete due to the expense associated. At both sites there are failures in reviving livelihoods despite government and third party initiatives. Problems are also identified with access to food and education, as well as sustaining infrastructure facilities. A trend of people moving back to the areas they had been displaced from is also observed.

### *Bangladesh*

In Bangladesh, APANDD members have studied relocation and displacement in coastal areas, which results from climate change driven natural hazards including cyclone, tidal surge, river erosion, and salinity intrusion.<sup>1</sup> There is a resettlement program targeting the landless people across the country by the government. The resettlement project aims to rehabilitate eight vulnerable groups to meet the greatest need for housing: (1) landless, homeless, and dispossessed people, (2) beggars, widows and women abandoned by their husbands, (4) Bede & Harijan people, (5) third gender or Hijra people, (6) climate refugees, (7) ethnic minorities, and (8) impoverished people. Hundreds of thousands of people have resettled through this project across the country. There is no certain complete act or law to select the beneficiary, but there are some office orders that mentioned who are eligible for the resettlement project and who finalize the beneficiary list. Based on the office order, there is a local level committee including government officials and local government elected representatives to select and finalize the list of vulnerable people to provide the housing facility. However, the research suggests that climate change related displaced people are not always selected based on the set criteria for any planned relocation. The people displaced due to historical cyclones and storm surges built their houses on the nearest embankments along the coastal belt. They are deprived from their fundamental economic and social rights. As mentioned earlier, the current resettlement activities have been based on a project which has limitations. Therefore, to ensure the climate justice for climate displaced people, government should need to introduce particular legal, policy and operational frameworks to mainstream the planned relocation activities.

Furthermore, Government of Bangladesh, through its Ministry of Disaster Management and Relief (MoDMR), has devised a 20-year National Action Plan (2022-2042) to execute the National Strategy on Internal Displacement Management 2021. This comprehensive plan actively engages various stakeholders including ministries, NGOs, INGOs, and development

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<sup>1</sup> See Quader, M.A., Khan, A.U., Malak, M.A, and M. Kervyn (2023). Mainstreaming Decentralization and Collaboration in Disaster Risk Management: Insights from Coastal Bangladesh. *Int J Disaster Risk Sci.* <https://doi.org/10.1007/s13753-023-00495-w>; Malak, MA, Hossain, NJ, Quader, MA, Akter, T & Islam, M (2021): 'Climate Change-Induced Natural Hazard: Population Displacement, Settlement Relocation, and Livelihood Change Due to Riverbank Erosion in Bangladesh', in *Bangladesh II: Climate Change Impacts, Mitigation and Adaptation in Developing Countries*, Springer, pp. 193-210;

partners, in its implementation process. It delineates a set of carefully planned actions for relocations designed as durable solutions, with a clear emphasis on upholding the rights and meeting the basic needs of displaced individuals. It ensures that affected individuals and communities are provided with clear, accurate, and accessible information about the resettlement or relocation process. Already, different ministries have initiated rehabilitation programmes providing land and homes. However, to foster inclusivity, a coordinated effort among these ministries is imperative. This necessitates a united and organized endeavour from a diverse range of stakeholders, spanning government bodies, non-governmental organizations (NGOs), international entities, and local communities. The establishment of a National Task Force on Displacement, serving as an inter-ministerial and inter-agency body, is critical for the successful implementation of this plan.

### *Solomon Islands*

Joseph Foukona, in his published case study “Solomon Islands: Flooding, displacement, and durable solutions: The April 2014 flood in Honiara” describes how people living in informal settlements along the banks of the river in Honiara were displaced during flooding in 2014. After being moved to various temporary shelters, some people were provided the opportunity to move to a new area that had been designated by the government in response to the displacement. Affected people were permitted to move to this location but were not granted legal title. Additionally, there was limited access to livelihoods and services. Many people moved back to the informal settlement in Honiara.

Lovelyn Otoiasi from Solomon Islands National University will publish a study of the Solomon Islands Planned Relocation Guidelines in the Springer Nature volume. The study highlights how the complexities associated with government land acquisition in a country where extensive territory is under customary land ownership have influenced the development of the 2022 Solomon Islands Planned Relocation Guidelines. The Guidelines set out a participatory process for land acquisition in line with the Land Titles Act, but it is too early to see how well the guidelines are implemented in practice. The author highlights the need for substantial funding to ensure delivery of utilities and services, such as water, power, road access, and schools, to new resettlement areas.

Solomon Islands is the third state in the Pacific to develop policy like this, with the first two being Fiji and Vanuatu. Liam Moore, from the University of Wollongong in Australia has conducted research into both of these cases that will be published in the Springer Nature volume.

## *Fiji*

Fiji is a world leader in how to manage climate mobilities including through supporting communities to relocate. Five key policies shape Fiji's approach to managing climate mobilities and have direct applicability for other states considering relocating communities as a potential solution to issues of climate-related displacement or other forms of (im)mobilities. These are the 2018 Planned Relocation Guidelines; 2019 Displacement Guidelines in the Context of Climate Change and Disasters; 2019 Climate Relocation and Displaced Peoples Trust Fund for Communities and Infrastructure; 2021 Climate Change Act; and 2023 Standard Operating Procedures for the Planned Relocation Guidelines. The Planned Relocation Guidelines define planned relocation as 'a solution-oriented measure, involving the State, in which a community (as distinct from an individual/ household) is physically moved to another location and resettled permanently there.' (Ministry of Economy, 2018: 2) The guidelines also note that:

In addition to the policies and guidelines under the UNFCCC and Protocols, the Fijian Constitution with its guaranteed rights, civil and political, social and economic, and cultural, apply to persons who are resettled, including rights of redress before the courts of Fiji. These rights are mirrored in international conventions which Fiji has ratified including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of Persons with Disabilities. (Ministry of Economy, 2018: 7)

The Standard Operating Procedures (SOPs) add significantly more detail, not just in what rights and obligations there are around relocation in the context of climate mobilities, but how these rights should be upheld, and obligations discharged in practice. The detailed implementation guide specifically outlines how the consensus-based decision-making process will happen, including having community representatives officially included as key actors, as well as multiple veto points where consent has to be given by not just the community as a whole, but also by potentially marginalised subsections of the community such as women, young people, the elderly, people identifying as LGBTQI+, and people living with disability.

The SOPs also specifically highlight the under-addressed issue of the relocation of informal settlements in the context of climate mobilities. Specific steps are outlined in a description of the informal settlement "resettlement" programme which:

offers safer sites for informal settlement. The State identifies, develops and leases the land. The informal settlers have the option to move to the offered site or they can decide on other alternatives (as an individual household) that is more suited to their needs. A community consultation process will be required regarding the suitability of the State offered site to meet their livelihood needs and the provision of support mechanisms to ensure that their long-term needs are considered.” (Climate Change Division, 2023: 2, page 2)

In a sign of how advanced these policies are in comparison to the rest of the states in the region, Aotearoa New Zealand’s Minister for Climate Change, James Shaw said at the launch of Fiji’s Standard Operating Procedures for the Planned Relocation Guidelines in Suva in 2022 that Fiji was far ahead of New Zealand in building knowledge around how to manage climate mobilities, including solutions based on resettlement.

Implementation has been mixed to date. Often the biggest barrier to effectively resettling communities is funding. Fiji’s Climate Relocation and Displaced Peoples Trust Fund for Communities and Infrastructure has been developed to try and address this issue but there is a need for more states to contribute and for alternative parallel sources of funding to be found as well.

### *Vanuatu*

In 2018, Vanuatu published its National Policy on Climate Change and Disaster-Induced Displacement. The policy includes specific references to international frameworks including the UNFCCC, Sendai Framework, SDGs, Guiding Principles on Internal Displacement, and Agenda for the Protection of Cross-Border Displaced Persons. The explicit goal of the document is to draw ‘on the principles included in these global, regional and national frameworks to respond to needs of local communities in Vanuatu.’

An entire strategic area in the policy is dedicated to a discussion of ‘land, housing, planning and environment.’ It emphasises the need to improve and upgrade housing stock to increase disaster resilience and allow more people to remain in situ, to ensure temporary emergency housing is suitable not just for evacuation but potentially for weeks and months of occupation while long term plans are made, that new housing options when relocation or mobility is required are sufficiently disaster resilient, and that there is suitable land available for these houses to be built upon.

Implementation in Vanuatu has been lacking, however. A lack of infrastructure, human resources, and financial restrictions are the most commonly cited reasons for why the policy is

not functioning as intended. It is hoped that a recently established committee, done in partnership with IOM as part of efforts to implement the UN Secretary General’s Action Agenda on Internal Displacement, will help kickstart the implementation and improve prospects for those facing relocation or resettlement as a result of climate or disaster-related events. (UN Office of the Special Adviser on Solutions to Internal Displacement, 2023)

A human rights-based approach helps to frame the analysis of and response to diverse contexts where human mobility takes place in the context of disasters and climate change. The APANDD network welcomes the initiative of the Special Rapporteur and hope this submission will be of assistance in preparing the report and in future engagements.

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