



PLANNED RELOCATIONS, DISASTERS AND CLIMATE CHANGE: CONSOLIDATING GOOD PRACTICES AND PREPARING FOR THE FUTURE

BACKGROUND DOCUMENT
SANREMO CONSULTATION, 12-14 MARCH 2014

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT

EVIDENCE
FOR ACTION

PARTNERS



BROOKINGS



GEORGETOWN UNIVERSITY
School of Foreign Service
Institute for the Study of International Migration

Sanremo consultation, 12-14 March 2014

Disclaimer: responsibility for the information and views set out in this document lies entirely with the authors.

This background paper was drafted by Elizabeth Ferris of the Brookings-LSE Project on Internal Displacement who acknowledges with gratitude the comments and suggestions from colleagues at UNHCR, Georgetown University, and others.

This project is funded by the European Union with the support of Norway and Switzerland.

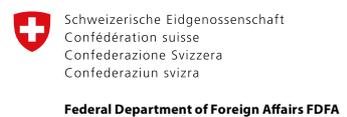


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1. INTRODUCTION

This background paper has been prepared to underpin discussions at the Sanremo consultation on planned relocations, disasters and climate change: Consolidating good practices and preparing for the future, to be held from 12-14 March 2014. This UNHCR-Brookings-Georgetown consultation, supported with a grant from the European Union and co-financing from Norway and Switzerland, will provide an opportunity to examine the complex issue of planned relocations made necessary by sudden-onset disasters, acute environmental degradation, and the longer-term effects of climate change.

The consultation will contribute to the Nansen Initiative on disaster-induced cross-border displacement, a bottom-up consultative process intended to build consensus on the development of a protection agenda to address the needs of people displaced across international borders in the context of natural disasters, including those linked to the effects of climate change.

Although a relatively uncharted topic in the context of climate change, this paper – and the consultation – takes as a starting point the likelihood that States will increasingly use planned relocation as a tool to move populations out of harm's way and that guidance is needed to support this process. States and those seeking to support them as well as affected communities could benefit from such guidance since past experiences with planned relocations in other contexts have generally been less than ideal.

The particular form this guidance should take will be a primary focus of discussion at the Sanremo consultation. Fortunately, this process is not starting from scratch. Over the past three years there have been

efforts to address the issue of planned relocations made necessary by the effects of natural hazards related to climate change. Previous consultations in 2010 and 2011 at Bellagio¹ have identified some of the lessons learned from other relocation efforts. A process is underway to provide guidance in the case of evacuations made necessary by sudden-onset disasters² and a UNHCR paper published in 2012 suggests a framework of 'preliminary understandings' to uphold the rights of those relocated as a consequence of climate change.³ The Peninsula Principles⁴ provide additional guidance as do safeguard policies developed by the World Bank⁵ and contained in the Guiding Principles on Internal Displacement.⁶

The consultation's participants in Sanremo – representatives of States, international organizations, academics, experts and civil society representatives – are expected to identify gaps in existing knowledge, laws and policies that need to be filled as well as decide how best to articulate the guidance that is needed.

2. WHY A FOCUS ON PLANNED RELOCATIONS?

From the very first report of the Intergovernmental Panel on Climate Change (IPCC), there has been a recognition that one of the effects of climate change will be on the mobility of people. In COP 16, human mobility was formally recognized as a form of adaptation to the effects of climate change with reference to migration, displacement and planned relocations.⁷ While migration and displacement have both received a fair amount of attention,⁸ there has been little academic or policy work done on the issue of planned relocations in the context of climate change.

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- ¹ Bellagio Conference on Preparing for Population Displacement and Resettlement Associated with Large Climate Change Adaptation and Mitigation Projects, November 2011. Also see UNHCR, "Summary of Deliberations on Climate Change and Displacement," *International Journal of Refugee Law* 23 (2011): 561 – 574, <http://ijrl.oxfordjournals.org/content/23/3/561.abstract>, and Türk, Volker and Alice Edwards. "Introductory Note to the Bellagio Summary of Deliberations on Climate Change and Displacement," *International Journal of Refugee Law* 23 (2011): 588-560, <http://ijrl.oxfordjournals.org/content/23/3/558.extract>
 - ² The International Organization for Migration is leading a process to develop Comprehensive Guidelines for Mass Evacuations in the Event of Natural Disasters, known as the MEND project. A draft document has been circulated and is expected to be finalized by the end of 2014.
 - ³ Ferris, Elizabeth, "Protection and Planned Relocations in the Context of Climate Change," Division of International Protection, UNHCR, August 2012, <http://www.unhcr.org/5024d5169.html>
 - ⁴ "The Peninsula Principles," Displacement Solutions, 18 August 2013, <http://goo.gl/r4jYqg>
 - ⁵ World Bank, *Operational Policy on Involuntary Resettlement 4.12*, December 2001 (Revised April 2013), <http://go.worldbank.org/96LQB2JT50>
 - ⁶ UN OCHA, *The Guiding Principles on Internal Displacement*, <http://www.brookings.edu/about/projects/idp/gp-page>
 - ⁷ 2010 UN Climate Change Conference in Cancun, Mexico, 29 November – 10 December 2010, Report of the Conference of the Parties on its sixteenth session, Addendum – Part Two: Action Taken by the Conference of the Parties at its sixteenth session, <http://goo.gl/oSNvuf>
 - ⁸ See for example, McAdam, Jane, ed., *Climate Change and Displacement: Multidisciplinary Perspectives*. Oxford and Portland, Oregon: Hart Publishing, 2010; Sherbinin, Alex de et al, "Preparing for Resettlement Associated with Climate Change," *Science* 28 (2011): 456-457, <http://www.sciencemag.org/content/334/6055/456.summary>; McAdam, Jane, *Climate Change, Forced Migration and International Law*, Oxford: Oxford University Press, 2012; Foresight: Migration and Global Environmental Change, *Final Project Report: Executive Summary*, The Government Office for Science, London, 2011, <http://goo.gl/OqWlp5>; Warner, Koko et al, *Policy Brief No. 8, 2013: Changing Climate, Moving People: Framing Migration, Displacement and Planned Relocation*, United Nations University – Institute for Environment and Human Security, <http://goo.gl/yDAKca>; Zetter, Roger, *Protecting Environmentally Displaced People*, Refugees Studies Center, University of Oxford, February 2011, <http://www.unhcr.org/4da2b6189.pdf>; Kälin, Walter and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches*, February 2012, <http://www.unhcr.org/4f33f1729.pdf>

This is relatively uncharted territory. While there is a substantial body of literature on development-induced displacement, on displacement caused by conflict and human rights violations, and a growing body of guidance and law on disasters, addressing the issue of planned relocations in the context of climate change requires people to step outside their comfort zones and to think in different ways.

There is also an undercurrent of resistance to considering issues of planned relocations now out of a concern that doing so would take pressure off national and international actors to implement mitigation measures which would make it possible for people to remain in their homes and communities. It is too early to talk about relocations, this argument goes, as people have a basic right to remain where they are and the international community should be going full-out to mitigate the effects of climate change. The climate change community seems to be moving towards emphasizing the importance of both adaptation and mitigation measures, arguing that these are not mutually exclusive options. This paper, and indeed this consultation, is based on the assumption that thinking, talking and planning for relocations does not mean that such relocations are a forgone conclusion, but rather represent the prudent exercise of responsibility. Just as planning for response to an industrial accident doesn't make an industrial accident more likely, so too planning for relocations should not make them more likely, but instead should mean that if they are needed at some point in the future, they will be carried out in a way that respects human rights and that builds on the experience and good practices of other efforts.

3. A CROSS-CUTTING ISSUE APPROACHED THUS FAR FROM DIFFERENT PERSPECTIVES

Although there are several bodies of academic and policy work which are relevant to this discussion and which are discussed in detail below, the issue has been approached from different vantage points and often using different vocabulary.

For example, for humanitarian actors, the term 'resettlement' is almost always associated with refugee resettlement to third countries while for those working in development-forced displacement and resettlement (DFDR), the term 'involuntary resettlement' is associated with decades of experience in relocating populations in the context of development projects.

Development actors put issues of poverty reduction at the center of their efforts while humanitarians often focus on protection; sometimes those actors are talking about the same thing but the lack of common vocabulary can impede communications. For example, development actors are sometimes cautious about explicit use of human rights terminology, particularly when working with those governments for whom this vocabulary is problematic.

Those whose principal interest is climate change often bring yet a different conceptual background and different terminology. Phrases such as 'common but differentiated responsibilities and respective capacities' are common currency in discussions of international approaches to climate change, but leave many humanitarians in the dark. While both humanitarian and development actors often refer to the need for community participation and consultation, for international legal experts, issues such as 'consent' of the populations to be moved and 'accountability' for failure to take preventive action lead to widespread debate.⁹

For governments and international organizations working on disaster risk reduction and preparedness, there is a wealth of experience with preparing for short-term evacuations, but these have been largely developed in isolation from other communities working on displacement.

⁹ See for example, McAdam, Jane and Elizabeth Ferris, "Planned Relocations in the Context of Climate Change: Conceptual and Legal Issues," (forthcoming).

4. WHY IS PLANNED RELOCATION AN IMPORTANT ISSUE?

If climate change does make certain areas uninhabitable and people need to be moved, then governments have a responsibility to start thinking about that possibility and to begin planning. In particular national systems, legislation, public policies, coordination arrangements, allocation of specific responsibilities and funding need to be put into place. These steps do not happen overnight. This consultation and accompanying research is based on the assumption that planned relocations have an important role to play in future strategies to adapt to the effects of climate change.

5. WHO MIGHT BE IN NEED OF PLANNED RELOCATIONS?

Early efforts to identify who might need to be moved in response to the effects of climate change have identified several categories:

- People who need to be relocated from areas prone to sudden-onset natural hazards which are increasing in severity and intensity as a result of climate change (e.g. flood-prone areas, coastal areas);¹⁰
- People who need to be relocated because their livelihoods are threatened by slow-onset effects of climate change (e.g. increasing drought frequency, salinisation of water resulting from sea level rise or unsustainable use of aquifers) and who need to find permanent homes;
- People who need to be relocated because their country or parts of their country face destruction from the effects of climate change (e.g. small island states facing sea level rise but also riverbank erosion).¹¹

It also may be the case that the slow-onset effects of climate change will lead many to voluntarily migrate in anticipation that conditions will worsen. Those who are

left behind – and who will need government assistance to relocate – thus may be particularly vulnerable. As attention turns to defining the rights of the affected populations, a focus on particularly vulnerable groups should be central to discussions of planned relocations.

6. CLIMATE CHANGE AND RELOCATION AT NATIONAL LEVEL

There are particular issues related to determining when people have to be moved because their area has become uninhabitable due to the effects of climate change. Who determines when an area is uninhabitable? On what basis? And how is a determination made that an area is uninhabitable because of climate change – rather than for example, normal climatic variations or the intersection of natural hazards and human interaction, such as deforestation? These are difficult issues. As the Foresight report, and most researchers who are working in the area, point out, climate change is likely to be an accelerator of other trends, but there are always other drivers of migration.¹² The Peninsula Principles spell out a helpful set of guidance for ‘climate migrants’ but do not tackle the difficult issue of determining when climate change forces people to leave or how to differentiate those who are displaced by the effects of climate change and other environmental/economic reasons. The Peninsula Principles were developed as part of a multi-year project by Displacement Solutions to provide a comprehensive normative framework within which the rights of climate change migrants who are internally displaced can be addressed.¹³

There are ethical issues as well: should people who must be relocated because of the effects of climate change be treated differently than those who have to be moved for other reasons? Is there a compelling reason why someone at increased risk of volcanic eruption should be treated differently than a person at risk from coastal flooding? This was the rationale for Georgetown University’s Crisis Migration Project to consider varieties of forced migration rather than concentrating solely on climate change.¹⁴

¹⁰ Note that such relocations may also be necessary for natural disasters which are not related to climate change, e.g. from the slopes of volcanoes or earthquake-prone areas.

¹¹ The extent to which there may be conflict arising from climate-change-related resource scarcity is unknown. Some scholars point out that there have been few conflicts over water scarcity while others point to fighting that has erupted over other scarcities, such as land. There is another category of people likely to be affected: those who may need to be relocated because of projects undertaken to mitigate the effects of climate change, such as production of agrofuels and hydropower plants or large-scale adaptation projects such as sea walls, replanting of mangroves, and restoration of marshlands. These cases are similar to relocations made necessary by other forms of development-induced displaced and thus are not considered in this paper.

¹² Foresight report, op cit.

¹³ Peninsula principles, principle 1, <http://goo.gl/PUR10C>

¹⁴ Institute for the Study of International Migration, Georgetown University, <http://isim.georgetown.edu/work/crisis/>

Rather than focusing on the question of why people moved another approach would be to focus on whether they could return home or need to stay where they have relocated. With regard to return, this would mean determining the extent to which the lands they left are habitable, whether any source of livelihood remains, the extent to which national and local governments continue to function, whether their rights would be protected at home, and other similar issues. Determining if they are able to remain where initially relocated would require assessment of their living conditions (for example, do they have shelter and access to livelihoods) as well as their impact on local populations (for example, is there likely to be conflict between the relocated groups and those already living in the relocation site).

7. THE PESKY ISSUE OF DEFINITIONS

Discussion of definitions tends to encourage lengthy debate which while interesting (at least to some) on a conceptual level may divert attention from other issues. And yet the danger of ignoring the issue of definitions is that subsequent discussions may be based on different assumptions. For the purposes of this consultation, it is suggested that time not be devoted to refining definitions (imperfect though these may be) but rather that the following be used to guide the discussions here.

While relocations play a role in situations of armed conflict and should be guided by international humanitarian law, this paper does not include population movements associated with conflict, civil war and gross violations of human rights. Moreover, while planned relocations may be carried out for a variety of other reasons (most notably, development projects, but also sporting events, urban renewal projects, establishment of nature preserves), *this consultation will consider only planned relocations made necessary by natural hazards, environmental factors and the effects of climate change.*

Relocations are defined here as the physical movement of people instigated, supervised and carried out by State authorities (whether national or local).¹⁵ Relocations may be temporary or permanent. When they are temporary (or intended to be temporary), they are

known as evacuations.¹⁶ When they are permanent (or intended to be permanent), they generally include provisions for adaptation to the new environment, known as resettlement by those in the development community. Generally, the requirements on authorities are higher for planning when the relocation is intended to be permanent. For example, if people are relocated temporarily because of a flood, the expectations of government service (e.g. to provide for livelihoods) are generally lower than when people are relocated on what is expected to be a permanent basis. Since the term 'resettlement' is problematic for those coming from the humanitarian community and it has failed in some development contexts, the term relocation is used herein as a more neutral term.

Relocations, whether intended to be temporary or permanent, are a form of displacement. Because relocating people is a violation of their right to freedom of movement, when governments make the decision to move people against their will, they must do so only when there is overriding public interest.¹⁷

8. WHERE IS PLANNED RELOCATION EXPECTED TO OCCUR?

The majority of planned relocations are expected to occur within the borders of countries and thus the *Guiding Principles on Internal Displacement* are the relevant international norm.¹⁸ As the Guiding Principles emphasize, it is the responsibility of national governments to ensure the protection and assistance of displaced persons within their borders – including those who are displaced through planned relocation efforts. However, there has been little research on the extent to which governments who relocate populations are exercising this responsibility within the context of the Guiding Principles and considerable anecdotal evidence exists that such relocations are often carried out in a way which does not uphold the principles in this normative framework.

Planned relocations across borders may also become necessary as a result of effects of climate change – an area for which there is limited international guid-

¹⁵ Thus this excludes evacuation and relocation plans made by private enterprises, as when a company develops an evacuation plan for an office or residential building or when a company decides to relocate a factory to another location.

¹⁶ Evacuations may be advisory or mandatory. Although there are a host of concerns around advisory evacuations (or warnings), this paper focuses only on mandatory evacuations: when residents of a particular area are ordered to leave. As discussed in detail below, the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters specify that forced evacuations should be carried out only when (a) provided for by law; (b) absolutely necessary under the circumstances to respond to a serious and imminent threat to life or health, and less intrusive measures would be insufficient to avert that threat; and (c) to the extent possible, carried out after the persons concerned have been informed and consulted.

¹⁷ In cases where individuals or communities decide on their own to relocate, the element of coercion can vary – here the emphasis is on those who relocate because of a natural hazard.

¹⁸ *The Guiding Principles on Internal Displacement*, op cit.

ance. Indeed the Nansen Initiative on Disasters and Cross-Border Displacement is beginning to work on the area of cross-border disaster-induced displacement where there is presently a legal gap.¹⁹ While there is some research in the Pacific on the planned relocation of communities within States,²⁰ there is a paucity of information on cross-national planned relocations.

9. SOME OF THE LESSONS LEARNED THUS FAR

Lessons learned which may be helpful in devising guidance on planned relocations made necessary by disasters and the effects of climate change are spread across different institutions and different disciplinary repositories. Sometimes scholars, governments and practitioners are so steeped in the complexities of one particular type of information that they are simply unaware that related work has taken place in other areas. However, it is argued here that drawing on these diverse experiences – even when it forces us outside of our comfort zone – provides a more comprehensive overview than is possible with only one approach. Those working on climate change adaptation frameworks are often unfamiliar with experiences of resettling communities as part of a dam construction project or with resettling refugees in third countries. The siloes which characterize work on this issue are immense.²¹

To stimulate discussion (and to vastly oversimplify), some of the lessons learned from the experiences of diverse actors in dealing with relocations are summarized below.

a. Evacuations

Guidance on evacuations has been largely developed at the national level, often within the framework of civil protection and national disaster management organizations. This guidance varies from country to country (and often among different sub-national authorities²²). Much of this guidance refers to the process by which evacuations may be ordered (who decides? on what basis?) and has been developed by national disaster management organizations, many of which were created on the basis of civil protection and include a strong law enforcement orientation. There have been efforts to consolidate some of the good practices on evacuations and to draw out common threads by the Pacific Humanitarian Team and more recently, by the International Organization for Migration. Except for these efforts, there is little international guidance on standards for evacuations in the context of climate change. The closest are the Sphere standards,²³ which offer guidance on minimum emergency standards in sectors such as shelter and nutrition, and the IASC Operational Guidelines on the Protection of Persons in Natural Disasters, which provide useful information on evacuation preparedness measures.



QUESTION FOR PARTICIPANTS: Are there other guidelines or relevant materials that might be helpful in developing further guidance on evacuations?

b. Development-forced displacement and resettlement (DFDR)

There is a substantial body of literature on resettlement carried out in support of development projects, spear-headed by the multilateral development banks.²⁴ There seems to be a general consensus within this literature:

¹⁹ See <http://www.nanseninitiative.org/>

²⁰ See for example, Campbell, John, "Climate-Induced Community Relocation in the Pacific: The Meaning and Importance of Land," in McAdam, ed., *Climate Change and Displacement*, op cit.; Park, Susin, "Climate Change and the Risk of Statelessness: The Situation of Sinking Island States," May 2011, <http://www.unhcr.org/4df9cb0c9.pdf>; Mortreux, Colette and Jon Barnett, "Climate Change, Migration and Adaptation in Funafuti, Tuvalu," *Environmental Change* 19, 2009: 105-112, <http://goo.gl/ReZLY9>

²¹ Ferris, Beth, "Humanitarian Induced Silos: Climate Change-Induced Displacement," Population-Environment Research Network Cyberseminar, November 2011, <http://goo.gl/hfHrbh>

²² See Amy L. Fairchild, James Colgrove, Marian Moser Jones, "The Challenge of Mandatory Evacuation: Providing For and Deciding For," *Health Affairs* 25(4):958-967, 2006.

²³ Note that the Sphere standards state that humanitarian organizations should be involved in evacuations only as exceptional measures in extreme circumstances. *Sphere Handbook*, p. 39, <http://goo.gl/ayvYPf>

²⁴ See for example, Cernea, Michael, "Compensation and Investment in Resettlement: Theory, Practice, Pitfalls, and Needed Policy Reform," in M. Cernea and H.M. Mathur, eds., *Can Compensation Prevent Impoverishment?* Oxford University Press, 2008; Oliver-Smith, Anthony, "Development-Forced Displacement and Resettlement: A Global Human Rights Crisis," in Anthony Oliver-Smith, *Development and Dispossession: The Crisis of Forced Displacement and Resettlement*, Santa Fe: School for Advanced Research Press, 2009; Bennett, O. and Christopher McDowell, *Displaced: The Human Cost of Development and Resettlement*, New York: Palgrave Macmillan, 2012; Oliver-Smith, Anthony and Alex de Sherbinin, "Something Old and Something New: Resettlement in the Twenty-first Century," in *Humanitarian Crises and Migration*, ed. by Susan F. Martin, Sanjula Weerasinghe and Abbie Taylor, Routledge, 2014 (forthcoming); Hansen, Arthur and Anthony Oliver-Smith, *Involuntary Migration and Resettlement: The Problems of Dislocated Peoples*, Boulder, CO: Westview Press; P. Penz, J. Drydyk and P. Bose, *Displacement by Development: Ethics, Rights and Responsibilities*, Cambridge: Cambridge University Press, 2012.

that resettlement should be a last resort, that adequate financing of resettlement is necessary, that careful advance planning is essential, that issues of land tenure and livelihoods are key in resettling communities, that community involvement is a necessary (but not sufficient) condition for successful resettlement, that learning from experience in other contexts is useful and that safeguard policies are needed to ensure that the concerns of those to be resettled are upheld.²⁵



QUESTION FOR DISCUSSION: Are there overarching lessons learned from development-forced displacement and resettlement which are useful in these discussions of planned relocations made necessary by the effects of climate change?

The experience of working with refugees and IDPs displaced by conflict, persecution and human rights violations offers helpful guidance in planning relocations made necessary by the effects of climate change, including the centrality of protection, issues around camp management,²⁶ shelter, and lessons learned from refugee repatriation²⁷ in different contexts.

Refugee resettlement to third countries offers yet another extensive body of good practice and experience in supporting integration which may be useful to those working on resettlement for other reasons but has been largely ignored in discussions around climate change.²⁸ These lessons include, for example, the importance of buy-in of both refugees and communities receiving them; sponsorship systems (designation of organizations or individuals to help newcomers find housing, get jobs, enroll children in school, etc.); government support for integration programs (skills training, counseling, job referrals, etc.)

Planned relocations – both evacuations and resettlement -- can be considered as a form of disaster risk reduction (DRR) and the literature on DRR includes many useful insights on such issues as disaster risk assessment, disaster risk reduction in education, preparing communities to confront risks, including evacuation planning. Disaster risk reduction initiatives have considered relocations as a way of reducing risk. In 2012 the World Bank published a handbook on preventive relocations and series of case studies.²⁹ The UNISDR website only references cases where relocations have been a form of DRR without giving many details on how this has occurred.³⁰ UNISDR-organized workshops and the work of regional platforms offer insights on issues which may be relevant, such as workshops on relocation in urban contexts.³¹

International law has dealt with issues of expropriation, arbitrary displacement, and questions of governmental accountability for failure to relocate populations from the impact of disasters. For example, there have been a number of cases where governments – and individuals – have been held responsible for their failure to relocate or evacuate populations before a disaster and to warn populations of imminent danger.³²

Within the vast literature on climate change, the discussion on adaptation is directly relevant to discussions of relocations made necessary by the impact of climate change, particularly the focus on planned adaptation which is defined as “adaptation that is the result of a deliberate policy decision, based on an awareness that conditions have changed or are about to change and that action is required to return to, maintain, or achieve a desired state.”³³ With respect to relocations made necessary by the effects of climate change, work by those focusing on climate change directs attention to the question of timing – when populations need to be moved and on the basis of what evidence.

²⁵ For further discussion of these, see Ferris, Elizabeth, “Protection and Planned Relocations in the Context of Climate Change,” Division of International Protection, UNHCR, August 2012, <http://www.unhcr.org/5024d5169.html>

²⁶ See for example, resources available through the Global Protection Cluster <http://www.globalprotectioncluster.org/> and UNHCR resources on camp management, e.g. <http://goo.gl/05h5Ux> and Norwegian Refugee Council, The Camp Management Toolkit, <http://goo.gl/dvqVjd>

²⁷ See for example, UNHCR’s Handbook on Refugee Repatriation, 1996, <http://www.refworld.org/pdfid/3ae6b3510.pdf>

²⁸ See for example, UNHCR, *The Integration of Resettled Refugees*, <http://www.unhcr.org/52a6d85b6.html>; International Conference on Reception and Integration of Resettled Refugees, <http://www.refworld.org/docid/404dd9ab4.html>

²⁹ Correa, Elena, *Populations at Risk of Disaster: A Resettlement Guide*, Washington, DC: World Bank, 2011; Elena Correa, ed., “Preventive Resettlement of Populations at Risk of Disaster: Experiences from Latin America,” Washington, DC: World Bank, 2011.

³⁰ See for example, “St. Bernard is getting ready,” UNISDR, 2011, <http://goo.gl/KjiteMq>

³¹ See for example, “Workshop: Methodology development for the research on urban settlements in high risk areas in LAC,” UNISDR, <http://www.unisdr.org/we/inform/events/22419>

³² See for example, Alexander, David, “The L’Aquila earthquake of 6 April 2009 and Italian Government policy on disaster response,” *Journal of Natural Resources Policy Research*, vol. 2, no. 4, pp. 325-342, <http://goo.gl/We2L92>; Barry, Ellen, “3 Face Negligence Charges in Reaction to Russia Flood,” *New York Times*, 22 July 2012, <http://goo.gl/rzk8MU>; European Court of Human Rights, *Budayeva and others v. Russia*, Applications nos. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Judgment of 20 March 2008, <http://goo.gl/D42EDm>; Kälin, Walter and Claudine Haenni Dale, “Disaster risk mitigation: Why human rights matter,” *Forced Migration Review*, FMR31, p.38-9, <http://goo.gl/d41sa6>

³³ IPCC, Fourth Assessment, Annexes (Glossary), Working Group 2, 2007 <http://goo.gl/wMgOv1>; In addition to planned adaptation, the IPCC references anticipatory or proactive adaptation and autonomous or spontaneous adaptation.

Finally, there is a body of literature on land, security of tenure, housing, and evictions that is related to concerns around relocation.³⁴ In particular, guidelines on evictions are another area that offers some guidance for planned relocations.³⁵

There are also many case studies of relocations/resettlement from these different vantage points. In particular some of the work around relocations in the Pacific may be useful, as environmental factors were sometimes the key reasons for these relocations.

This background paper modestly indicates some of the richness of experience from different realms but barely scratches the surface in terms of the available resources.

10. WHAT DO WE KNOW ABOUT EVACUATIONS?

As part of planning for disasters, national disaster management agencies (NDMAs) assess and map risks, develop contingency plans for evacuations (including plans for warnings, evacuation routes and transportation arrangements, temporary shelters, stockpiling supplies, etc.), warn the populations, carry out evacuations, and then plan for solutions, typically return to communities of origin (or alternatively settlement elsewhere when returns are not feasible).

Although NDMAs may develop plans for advisory evacuations, the focus here is on mandatory evacuations. Authority to decide on mandatory evacuations typically lies with institutions designated in national laws or policies. In some countries, a formal declaration of disaster (or emergency) is needed before an evacuation can take place. In some cases, governments are reluctant to declare such a disaster and order an evacuation out of concern for the political or economic ramifications, particularly in areas dependent on tourism.³⁶

There is a rich array of guidance on specific aspects of evacuations for disaster managers.³⁷ Planning for evacuations may include, for example, maintaining registries of individuals with vulnerabilities (e.g. those who are mobility-impaired, have cognitive limitations, require health equipment), neighborhood planning and community self-help initiative, guidance on livestock evacuation, disaster risk reduction education (which includes involvement of children in evacuations). Similarly there is a rich array of assessments of evacuations. Recent work for example, on evacuations made necessary by the Great East Japan Earthquake (March 2011) identifies such shortcomings as insufficient supplies, loss of municipal/community leaders, lack of privacy in evacuation centers and information management.³⁸ The World Bank-related study notes differences between those evacuated by the Fukushima nuclear disaster and those affected by the tsunami, noting that those evacuated because of the nuclear accident were displaced multiple times. Assessments of evacuations in Bangladesh indicate major improvements after Cyclone Sidr in 2007 in terms of evacuation planning, including construction of new cyclone shelters, but note that pre-cyclone evacuations have suffered from difficulties in reaching a dispersed population and a tendency for populations to 'wait and see' before evacuating.³⁹

The Evacuation Responsiveness for Government Organizations (ERGO) project developed a comprehensive study of mass evacuation plans, organizing the study around six themes for each of which there is a considerable body of advice.⁴⁰

- > Preparing the public
- > Understanding the evacuation zone
- > Disseminating the warning message
- > Evacuating people
- > Shelter management

³⁴ See for example, <http://goo.gl/SI4efZ>

³⁵ See for example, UN Habitat, *Scoping Paper on Guidelines and Practices on Evictions, Acquisition, Expropriation and Compensation*, Draft Final Report 29 April 2010. Also see *Forced Evictions: Global Challenge, Global Solutions*, UN Habitat, <http://goo.gl/YTD7nD>; Further see OHCHR Basic principles and guidelines on development-based evictions and displacement, which were introduced but not adopted at <http://goo.gl/SniU5D>

³⁶ See for example Kromm, Chris, and Sue Sturgis, *Hurricane Katrina and the Guiding Principles on Internal Displacement*, The Institute for Southern Studies, 2008, <http://goo.gl/J8fTBo>

³⁷ See for example, Global Facility for Disaster Risk Reduction, *Evacuation Center Management*, Knowledge Notes 3-5, Cluster 3, Emergency Management, <http://goo.gl/79IRnm>. See for example: <http://goo.gl/UmMPye>; also see: <http://goo.gl/YRn5TS>; guidance for evacuating people with disabilities: <http://goo.gl/upyrF5>; <http://goo.gl/XiQ3o4>; good practices in community warning: <http://goo.gl/R2jDh0>; good practices in Ecuador: http://www.unisdr.org/files/596_10307.pdf

³⁸ World Bank, *Evacuation Center Management*, 2012, <http://goo.gl/79IRnm>

³⁹ See for example: <http://goo.gl/rB6A0N>; also see: <http://goo.gl/uxkoVm>

⁴⁰ Aston Centre for Research into Safety and Security, Aston Business School, UK, 2011, <http://goo.gl/tESGeg>

The IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters⁴¹ spell out that evacuations are to be used when other preventive measures are insufficient to protect the population and should include information to affected populations, and particular measures to assist vulnerable people, such as persons with disabilities, elderly people, people in hospitals and other institutions to evacuate safely. The guidelines further specify that:

Persons unwilling to leave should not be evacuated against their will unless such forced evacuation:

- (a) Is provided for by law;
- (b) Is absolutely necessary under the circumstances to respond to a serious and imminent threat to their life or health, and less intrusive measures would be insufficient to avert that threat; and
- (c) Is, to the extent possible, carried out after the persons concerned have been informed and consulted.⁴²

The guidelines further specify that people should be evacuated to areas as close as possible to their habitual residence, that authorities have the responsibility to protect the property of those who are evacuated and that the designated temporary shelters should respect the dignity and safety of those evacuated, including provisions for the participation of those evacuated.

The guidelines note that International and non-governmental organizations providing protection and assistance should not carry out or participate in forced evacuations, unless an imminent and serious threat to the lives, physical integrity or health of the evacuees cannot be averted without the involvement of the organizations concerned.

Some of the protection issues emerging from evacuations include:

- > The timing of evacuation orders (for example, when decisions are made late, there is a risk that some people will be left behind; on the other hand, casualties may result when evacuation orders are issued which turn out to be unnecessary)
- > Ensuring that warnings and evacuation orders are not only issued but are received by all affected individuals

- > Responding to people who resist evacuations because of the need to protect their property
- > Minimizing separation of families during evacuations
- > Ensuring that vulnerable populations are identified and transported in evacuations
- > Protecting communities, particularly vulnerable groups in temporary shelters (issues of lighting, privacy, security within the temporary shelters, sexual and gender-based violence, etc.)
- > Training of national and local staff on the human rights dimensions of evacuations
- > Ensuring adequate and timely information to affected communities
- > Involving communities in management of temporary shelters
- > Responding to pressure to move people out of temporary shelters (for example, when schools are used) before durable solutions are established
- > Preventing people from returning to their communities when conditions are unsafe and providing mechanisms to address property issues which emerge (for example, when returnees find their property occupied by others or when they do not have formal title to their land which is often a condition for rebuilding or accessing recovery funds)



QUESTIONS FOR DISCUSSION:

Given the likelihood of an increase in the severity and unpredictability of extreme weather-related disasters, are the existing guidelines sufficient to provide guidance to governments?

Is there a need for further international guidance, given the array of materials available at the national level?

Are there common themes that would apply to evacuations made necessary by cyclones in south Asia, volcanic eruptions in the Pacific and Central America, hurricanes in the Caribbean and North America and earthquakes along the Pacific Rim beyond what is already available?

What kinds of guidance might be useful to national governments?

⁴¹ IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, The Brookings-Bern Project on Internal Displacement, January 2011, <http://goo.gl/sGvOxL>

⁴² Operational Guidelines, 1.4.

11. WHAT DO WE KNOW ABOUT OTHER EXPERIENCES WITH LONG-TERM PLANNED RELOCATIONS?

While most of the guidance on evacuations in the event of sudden-onset disasters has been developed in specific national contexts, there is a substantial of literature on development-forced displacement and resettlement from different regions, both by international organizations (notably the World Bank and the regional development banks) and by researchers studying the impact of resettlement schemes on particular communities.⁴³ Such guidance includes the World Bank's Operational Policy on Involuntary Resettlement, one of the Bank's safeguard policies and related policies by the regional development banks. In addition, national legislation provides a framework for resettlement efforts in some countries, such as India.⁴⁴ Some of the efforts to draw lessons from the implementation of DFDR for relocations made necessary by the effects of climate change include work by de Alex de Sherbinin⁴⁵, Anthony Oliver-Smith,⁴⁶ and Elizabeth Ferris.⁴⁷

For example, Alex de Sherbinin et al draw out some of the lessons from development-related displacement, noting that resettlement is a complex process with many risks, most notably those cited by the Impoverishment Risks and Reconstruction model: loss of land, employment, shelter and access to common resources, economic marginalization, increased morbidity and mortality, food insecurity and negative cultural and psychological impacts.⁴⁸ Experience from those working with displacement resulting from development projects have identified the need for economically feasible reconstruction of productive activities, adequate cultural

integration with hosts, adequate staffing and training of responsible officials, political will to promote the development of communities and involvement of affected communities in assessments and decision-making. They also call for the establishment of national legal frameworks for climate change resettlement to protect the rights of affected populations.⁴⁹

Elizabeth Ferris attempted to consolidate guidance from both the World Bank's safeguard policies and the Guiding Principles on Internal Displacement to come up with a listing of 22 preliminary understandings or protection principles for planned relocation of populations as a result of climate change, including:

5. States are responsible for developing and implementing a resettlement plan which upholds the rights and enhances, or at least restores, the living standards of those who must be relocated because of the effects of climate change.
14. Relevant authorities should ensure that persons to be relocated have access to public services on a non-discriminatory basis.

The Peninsula Principles also spell out a series of obligations for states to ensure that the rights of those who are relocated because of the effects of climate change are upheld.

While there are a number of studies on specific resettlement schemes carried out in conjunction with development projects⁵⁰, there is less of a body of evidence on relocations made necessary by the effects of climate change. Exceptions are Robin Bronen's work on indigenous communities in Alaska⁵¹, studies of historical relocations in the Pacific, and work focusing on obstacles to relocations in the Carteret islands.⁵²

⁴³ See footnote 25.

⁴⁴ National Policy on Resettlement and Rehabilitation for Project Affected Families (2003) and The Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Bill (2013); see <http://goo.gl/xeYjNY>

⁴⁵ See de Sherbinin et al, "Preparing for Resettlement Associated with Climate Change," *Science* vol. 334, 28 October 2011: 456-57, as well as Anthony Oliver-Smith and Alex de Sherbinin, "Something Old and Something New: Resettlement in the Twenty-first Century," in *Humanitarian Crises and Migration*, ed. By Susan F. Martin, Sanjula Weerasinghe, and Abbie Taylor, Routledge Press, 2014 (forthcoming).

⁴⁶ Oliver-Smith, Anthony, "Debating Environmental Migration: Society, Nature and Population Displacement in Climate Change," *Journal of International Development*, Vol. 24, Issue 8, p. 1058-1070, November 2012, <http://goo.gl/KLrDUU>; also see Oliver-Smith, Anthony, "Nature, Society, and Population Displacement," *InterSecTions*, No.8, 2009, <https://www.ehs.unu.edu/file/get/5130>

⁴⁷ See for example, Ferris, Elizabeth, "Planned Relocations, Disasters, and Climate Change," Paper presented at the Conference on Climate Change and Migration in Asia and the Pacific," University of New South Wales Law School, November 2011, <http://goo.gl/LC36JG>; also see Ferris, Elizabeth, "Protection and Planned Relocations in the Context of Climate Change," Division of International Protection, UNHCR, August 2012, <http://www.unhcr.org/5024d5169.html>

⁴⁸ This is drawn from Cernea, Michael in "Risks and Reconstruction. Experiences of Resettlers and Refugees, ed. by M. Cernea and C. McDowell, Washington, DC: World Bank: 11-55.

⁴⁹ de Sherbinin et al, "Preparing for Resettlement Associated with Climate Change," *Science* vol. 334, 28 October 2011: 456-57.

⁵⁰ See for example, Scudder, Theodore, *The Future of Large Dams: Dealing with Social, Environmental, Institutional and Political Costs*. London and Sterling, VA: Earthscan, 2005.

⁵¹ Bronen, Robin "Climate-Induced Community Relocations: Creating an Adaptive Governance Framework Based on Human Rights Doctrine," *NYU Review of Law and Social Change* vol 35, 2011, pp. 356-406.

⁵² Re the Carterets, see Lipset, David 'Kingtides' or, "The New State of Nature: Rising Sea-levels, Climate Justice and Community based Adaptation in Papua New Guinea" (2008-2011), 2011; M. Loughry, "The Case of the Carterets," Presentation at Conference on Climate Change and Migration in Asia-Pacific, Gilbert + Tobin Centre of Public Law, University of New South Wales, 10-11 November 2011.

Some of the protection issues emerging from such cases highlight:

- > The importance of planning and particularly of consultations with communities
- > The need to preserve social capital⁵³ as much as possible
- > The importance of assessing needs and vulnerabilities of affected populations with particular attention to livelihoods
- > The need to consider issues of integration into host communities and relationships with the communities
- > The need to address land and tenure rights as well as shelter and livelihoods

? **QUESTIONS FOR DISCUSSION:** What are the gaps in existing guidance for long-term relocations made necessary by the effects of climate change? What further guidance is needed? In what form would additional guidance be most helpful to States?

12. HOW DOES PLANNED RELOCATION RELATE TO PLANNING FOR AND ADAPTATION TO CLIMATE CHANGE?

The National Adaptation Plans (NAP) aim to strengthen the adaptation capacities of developing countries by allowing them to assess and reduce their vulnerability to the impacts of climate change. Unlike the National Adaptation Plan for Action (NAPA), which helped to identify and prioritize urgent adaptation needs in the short term, NAPs are broader and cross-cutting. They cover medium to long-term needs, are integrated in the national development plans, and include multiple tools that a country uses in its planning processes. States are still in the process of formulating their NAPs. Of the NAPAs available online⁵⁴, 11 mention relocation of populations as an adaptation strategy.⁵⁵ However, almost all of these do no more than mention the term ‘relocation’ with the notable exceptions of the Republic of Maldives and the Solomon Islands, which devote several sentences each to the issue of relocations. In general, there is little mention at all of mobility (whether migration or displacement) in the NAPAs. Given the fact that planned relocations are expected to impact developed as well

as developing countries, it is apparent that few governments are either planning for eventual relocations or are making public plans which do exist. It may be of course that such plans are being developed outside of the public eye – which is understandable given popular sentiment that governments should be doing everything possible to make population relocations unnecessary.

? **QUESTIONS FOR DISCUSSION:** How can States be encouraged to consider planned relocations as a form of adaptation in developing and implementing their National Adaptation Plans? And how can States that do not have such plans be encouraged to think about the need to plan for eventual relocations?

More generally, how can those responsible for working on climate adaptation policies at the global level, including issues of climate adaptation finance, be encouraged to consider issues of human mobility as a form of adaptation?

13. MOVING FORWARD

Given the diversity of perspectives, one outcome from this consultation could be to constitute a small interdisciplinary expert group to struggle with the task of putting together these findings into a succinct handbook for policy-makers, along the lines of the best wisdom for law, humanitarian action, development practice, disaster risk reduction and climate change adaptation. Developing guidance on planned relocations made necessary by the effects of climate change would be useful to several constituencies. Most directly, this guidance is expected to be useful to national governments (and local governments in some areas) as they plan climate change adaptation strategies which incorporate a dimension on relocations. Representatives of affected communities (or potentially affected communities) are also likely to find such guidance in working with their governments to develop plans for relocations. While international actors would primarily play a supportive role, the development of international guidance would also be useful to them in supporting and advising governments. In particular it would enable them to suggest appropriate actions based on experiences in other regions and also might ensure some consistency of advice from experiences of other constituencies.

The Sanremo consultation will offer the opportunity to develop guidance on relocations, building on work that has already been done. There are various forms that this guidance can take and participants will be asked to

⁵³ See Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

⁵⁴ UNFCCC, *National Adaptation Plan for Action*, <http://goo.gl/H50meM>

⁵⁵ These include Bhutan, Gambia, Kiribati, Malawi, the Republic of Maldives, Mauritania, Mozambique, Nepal, Samoa, Sao Tome and Principe, the Solomon Islands and the United Republic of Tanzania.

consider the following (or other) options for moving the process forward.

On the global level, options include:

- Development of guiding principles for planned relocations (perhaps along the lines of the Guiding Principles on Internal Displacement) which set out general principles which can be used by governments in developing their own policies. While the Guiding Principles fall into the category of soft international law, the extent to which they are incorporated into national laws and policies is perhaps the best indicator of their utility.
- A state-led process to collect best practices and based on these practices, to develop useful tools and protection principles which can then serve as a basis for further state action (along the lines of the Nansen Initiative)
- An expert process to collect the best examples of practice and to identify common principles (such as the principles for International Disaster Relief Law⁵⁶, perhaps eventually accompanied by model legislation (although this might prove more difficult given national variation in laws on land, eminent domain, authority for ordering evacuations)

Alternatively, instead of developing a new set of stand-alone principles on planned relocations, another possibility would be to incorporate such guidance into existing instruments such as the Guiding Principles on Internal Displacement, the Peninsula Principles, or other guidance emerging from initiatives such as the Crisis Migration Project or the Nansen Initiative or into on-going deliberations related to climate change or to the International Law Commission.

? **QUESTIONS FOR DISCUSSION:** Which of these (or other) options would be most useful? Building on the work done at Sanremo, what are the next concrete steps for taking the guidance forward and who should undertake them?

On the regional level:

- Regional organizations could take up the issue of planned relocations and formulate common approaches which are most relevant to potential effects of climate change for member states in their region. Given the difficulties in developing guidance applicable to a vast range of situations, perhaps centering the discussion in regional forums would be more appropriate.

? **QUESTIONS FOR DISCUSSION:** What opportunities exist at the regional level for developing guidance on relocations in the context of climate change? What concrete steps should be taken, and by whom, following the Sanremo consultation?

On the hazard-specific level:

- Alternatively, perhaps processes to identify guidance for planned relocations made necessary by the effects of climate change could more easily be formulated for specific types of disasters/climate change impacts. Those facing challenges of sea level rise, for example, may have different needs for guidance in planning relocations than those facing widespread drought or recurrent floods.
- Alternatively, perhaps guidance for planning relocations could be more easily formulated by sector, e.g. principles on livelihoods or land or gender in planning relocations made necessary by the impacts of climate change which could build on existing standards and then be applied in different contexts and settings.

14. GAPS IN UNDERSTANDING

This background paper has identified several gaps in our understanding of and policies and guidelines related to relocations made necessary by climate change. For example, most of the resources on evacuations focus on particular national situations and, with a very few exceptions, there are no compilations of good practices on how to carry out evacuations. Nor are there resources available on how to manage planned relocation made necessary by the effects of climate change – although handbooks by the World Bank and other international organizations on related issues are useful in this respect. A recommendation from the Sanremo consultation could seek to address this gap, perhaps by suggesting that a small expert group compile best practices on evacuations and systematically collect and synthesize lessons from resettlement in other contexts.

In order to move the process forward, it would also be useful to broaden the discussion of planned relocations by encouraging discussion in other forums, such as the IASC, UNISDR regional platforms, climate-change adaptation networks, academic centers and other UN organizations. The Sanremo consultation could suggest ways in which these forums could be encouraged to discuss the issue and contribute their expertise. As specific recommendations seem to be more successful in implementation, it would be helpful to suggest specific

⁵⁶ IFRC, *IDRL Guidelines*, <https://www.ifrc.org/en/what-we-do/idrl/idrl-guidelines/>

individuals or organizations tasked with taking these ideas forward. Moreover, how can discussion of these issues be broadened to include more governments?

The issue of planned relocations in the context of climate change is a complex issue, particularly given the diversity of situations in which such measures may be likely in the future. But the Sanremo consultation offers an opportunity to make significant and concrete contributions to advancing understanding of the issue, further identifying applicable guidelines, and developing concrete measures for taking the process forward.

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT

**EVIDENCE
FOR ACTION**

This is a multi-partner project funded by the European Commission (EC) whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters. The project brings together the expertise of 3 distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) seeking to:

- 1 > **increase the understanding** of States and relevant actors in the international community about displacement related to disasters and climate change;
- 2 > **equip them to plan for and manage** internal relocations of populations in a protection sensitive manner; and
- 3 > **provide States and other relevant actors tools and guidance** to protect persons who cross international borders owing to disasters, including those linked to climate change.



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