



# Climate and Disaster Displacement: The Importance of Disaster Law and Policy

This fact sheet provides an overview and recommendations on the importance of Disaster Law and Policy for addressing displacement in the context of disasters and climate change.

This fact sheet is based on the new IFRC Disaster Law Checklist on Law and Disaster Preparedness and Response and accompanying Synthesis Report.



## Context: Disasters and Displacement in a Changing Climate

In 2018, it was estimated that 19.2 million people were newly displaced as a result of disasters triggered by sudden-onset hazards, including floods, storms, volcanic activity and earthquakes (IDMC). Many more people are forced to flee their homes every year due to slow-onset hazards, including drought, desertification and increased salinization. Most of this displacement is internal, however some people cross national borders to reach safety. As the impacts of climate change intensify, levels of displacement due to climate and weather-related hazards are expected to further increase.

In some situations, disasters or disaster risks are so severe that they necessitate the planned relocation of persons away from their homes. Planned relocation can be a vital way of reducing disaster risk or adapting to a changing climate. However, the experience of communities with planned relocations are predominantly negative due to a lack of community participation, the selection of inappropriate sites and under-budgeting of relocation costs.

Climate and disaster displacement is not only a humanitarian concern, but also a developmental, governance and human rights issue. Effectively addressing displacement requires investments in understanding and identifying risks, reducing vulnerability and exposure, and ensuring that governance frameworks are fit for purpose. This requires not only a whole of government, but whole of society approach, with active participation from communities and local actors at all stages.

## The Importance of Disaster Law and Policy

Disaster Law and Policy is an integral, but often under-explored, aspect of the integrated approach necessary to addressing climate displacement including planned relocations.

Most countries have some form of disaster risk management system that is underpinned by one or more laws. These frameworks establish the legal basis for all aspects of disaster risk management from risk reduction, to preparedness, response and recovery and provide the enabling environment for actions downstream. Disaster law helps to clarify roles and responsibilities and coordination mechanisms for disaster risk management across sectors as well as from national to local level.

Used effectively, disaster law and policy can support more integrated approaches and institutional mechanisms for coordination on displacement across sectors and from national to community level. They can also mandate the involvement of at-risk populations such as displaced populations or those at risk of displacement, to be engaged in risk analysis, planning and decision-making.

However, research has found that displacement and planned relocation is often completely absent or not adequately addressed in disaster law or policy.

## How to address Displacement in Disaster Law and Policy?

Disaster law and policy must move beyond aspirational statements, to mandate practical measures that meet the assistance and protection needs of those displaced, as well as host communities, and provide for longer term support to mitigate risk, recover and support the realisation of durable solutions.

Drawing on extensive research and international best practice and standards, IFRC recommends that disaster law and policy considers the following:

### *Disaster and climate displacement*

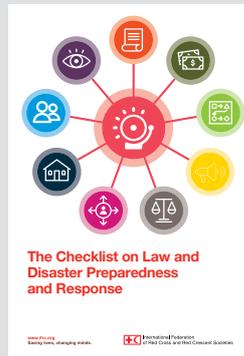
- Does the law and/or policy address the reduction of the risk of disaster and climate displacement?
- Do the laws and/or policies relating to internal displacement include persons displaced by disasters and the effects of climate change?
- Does law and/or policy mandate contingency planning for internal displacement caused by disasters and the effects of climate change?
- Does the law include the identification, entry, stay and entitlements of cross-border disaster-displaced persons in a way which is consistent with human rights law?
- Does the law and/or policy provide for cross-border disaster-displaced persons, including vulnerable displaced groups, to receive protection and assistance to meet their basic needs during their stay?
- Does the law establish criteria for determining when and under which circumstances? Cross-border disaster-displaced persons may be returned?
  - If yes, are those criteria consistent with international human rights law?
  - If no, is there a law or policy regulating durable solutions for cross-border disaster displaced persons?

### *Planned relocation*

- Does the law and/or policy establish a comprehensive framework for undertaking planned relocations?
- Does the law and/or policy establish a comprehensive framework for undertaking planned relocations?

If so, does that framework include provisions:

- establishing that planned relocation should be used as a measure of last resort and be conducted in accordance with relevant human rights;
- entitle potentially relocated persons to legally challenge a planned relocation;
- mandate a participatory approach to planned relocation involving all affected persons, including relocated persons and host populations;
- require that planned relocations improve, or maintain, the livelihood opportunities and living standards of relocated persons and host populations; and
- require that planned relocation mitigates adverse impacts on persons who live in close proximity to the areas from which persons are relocated?



For more information please see the new [IFRC Disaster Law Checklist on Law and Disaster Preparedness and Response](#) (and accompanying Synthesis Report).



Also see the [IFRC Asia Pacific Report on Disasters and Displacement in a Changing Climate](#), and the new IFRC Report on Responses to Internal Displacement.

Further information available at

<https://media.ifrc.org/ifrc/what-we-do/disaster-law/>



## IFRC Disaster Law – Checklist on Law and Disaster Preparedness and Response

The IFRC Disaster Law Programme provides expert guidance to support development, revision and implementation of Disaster Law and Policy. Informed by global research and best practice, IFRC has developed guidance on Disaster Risk Reduction and the Law and Legal Preparedness for International Disaster Assistance (IDRL).

Its most recent tool, the Checklist on Law and Disaster Preparedness and Response has been developed through an extensive review of global literature and more than 20 country case studies. It provides detailed guidance on how to strengthen law and policy to effectively address disaster displacement, emergency evacuations and planned relocations.