

**Submission of the Asia Pacific Academic Network on Disaster Displacement  
to the  
UN High Level Panel on Internal Displacement**

8 May 2020

In 2017, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law initiated a regional thematic study on internal displacement in the context of disasters and climate change across Asia and the Pacific as part of its wider programme on human rights and environment.<sup>1</sup> Focusing on law, policy and practice in ten countries, and collaborating with academic partners from China, Cambodia, Thailand, Myanmar, the Philippines, Indonesia, Nepal, Bangladesh, the Solomon Islands and Vanuatu, the study adopted an expressly human rights-based approach grounded in the 1998 Guiding Principles on Internal Displacement.

Academics involved in the regional thematic study have formed the Asia Pacific Academic Network on Disaster Displacement, in whose name this submission is made. The following submission is based on insights gained from the study, including through consultations with international, regional and national actors. Some of the insights highlighted in this submission were also presented in various regional and national fora to validate them and gather feedback.

there is a need for more in-

There is also significant scope for further research at the intersection of displacement and the Sustainable Development Goals (SDGs), particularly in relation addressing the ‘root causes’ of displacement, as well as durable solutions to displacement, which often relate to entrenched poverty and inequality. The

solutions. The systematic integration reflected in the Bangladesh and Vanuatu frameworks reflects their express grounding in the 1998 Guiding Principles on Internal Displacement.

Using the evaluation tool developed as part of our research initiative helps to identify strengths and limitations in existing frameworks that can be addressed according to priorities of national and local actors. Enhancements to the treatment of displacement in national and sub-national law and policy can be achieved through the development of a stand-alone policy identifying specific measures to be taken to integrate human rights-based displacement considerations into disaster risk reduction, climate change adaptation, land use planning and other sectoral policies. It can also be achieved gradually as legislation, action plans, strategies and similar documents are updated from time to time.

3. *Capacity strengthening initiatives focusing on human rights-based approaches to disaster risk reduction, climate change adaptation and land use planning should be promoted*

With millions of people displaced every year in the context of disasters and climate change, and taking into account the well-grounded predictions that the scale of this phenomenon will increase as the climate emergency intensifies, the need to strengthen the capacity of international, regional, national and local actors is apparent. Although modalities will clearly differ according to context, core elements of the capacity strengthening include a focus on how procedural,<sup>8</sup> governance<sup>9</sup> and cross-cutting non-discrimination and equality (leaving no one behind) principles, together with substantive principles relating to the right to life, and rights to food, shelter, health, social security and others, apply in contexts relating to the prevention of and preparedness for displacement, protection during evacuation and throughout displacement, and the facilitation of durable solutions. In addition to international standards, existing good practices from local to international level need to be continuously collected, consolidated, communicated and compared, and opportunities for peer-to-peer exchanges at national, regional and international levels should be created and promoted.

It is important to acknowledge that international-level policy documents such as the Sendai Framework<sup>10</sup> and the Paris Agreement<sup>11</sup> expressly endorse a human rights-based approach, as do regional declarations and frameworks, such as the Ulaanbaatar Declaration of the Asia Ministerial Conference on Disaster Risk Reduction<sup>12</sup> and the Framework for Resilient Development in the Pacific,<sup>13</sup> and this perspective is increasingly reflected in national legal

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<sup>8</sup> Participation, consultation, free, prior and informed consent, access to information

<sup>9</sup> Transparency, accountability, rule of law, access to justice

<sup>10</sup> Paragraph 19(c) declares: “Managing the risk of disasters is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development.”

<sup>11</sup> The Preamble declares: “Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”

<sup>12</sup> Paragraph 11 calls on states to: “Ensure a human rights-based, people-centred and whole-of-society approach in development, implementation and monitoring of national and local disaster risk reduction strategies inclusive of women and girls, children and youth, persons with disabilities, older persons, displaced and migrant populations, and those in vulnerable situations such as the poor and marginalized. Available at: <https://www.preventionweb.net/english/professional/policies/v.php?id=59168>

<sup>13</sup> Amongst the many expressly human rights-based priorities in the Framework, Priority 1(i)(f) calls upon national and subnational governments and administrations to: “Strengthen capacities at all levels of government,

and policy documents relating to DRRM and CCA. However, our research found that human rights principles did not significantly inform the practice of local actors. We therefore recommend that local level capacity strengthening initiatives work to promote a human rights-based approach, whilst respecting the fact that other ways of framing interventions can achieve the same ends.

Other actors who play a role in different phases of displacement include civil society and faith-based organizations, the private sector and the military. Capacity strengthening initiatives should also address and include these actors. In this regard, capacity strengthening also entails the identification and development of partnerships where respective capacities of different actors can be leveraged to optimize human rights-based outcomes. Where the private sector is involved, a focus on the Guiding Principles on Business and Human Rights can add an important perspective.<sup>14</sup>

Finally, capacity strengthening should also focus on empowering people who are exposed to disaster- and climate change-related displacement. The work of the International Federation of Red Cross and Red Crescent Societies is particularly relevant in this regard,<sup>15</sup> as is work relating to community-based disaster risk reduction.<sup>16</sup> Further, in several countries we also noted low levels of awareness and capabilities amongst affected people of their legal rights,

of evacuation centres, and is also crucial for the achievement of durable solutions.

5. *Promote a human rights-based approach to **data***

Data, particularly when disaggregated according to characteristics that can reflect differential exposure and vulnerability to internal displacement, is a critical component of any national, regional or international strategy to address the phenomenon. However, in the drive to gather more and better data, relevant actors should be reminded of human rights principles relating to the collection, storage, access and use of any data collected.

6. ***Universities** should integrate displacement considerations into courses on disaster risk*

Regional human rights courts, intergovernmental, and quasi-judicial bodies, such as the African Court and Commission on Human and Peoples' Rights; the Inter-American Court and Commission on Human Rights; the European Court of Human Rights; the ASEAN Intergovernmental Commission on Human Rights and the Arab Commission for Human Rights

Periodic review procedures of human rights treaty monitoring bodies, such as the Committee on Economic Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and so forth

Universal Periodic Review procedure under the UN Human Rights Council

UN Special Procedures mandate holders

Examples of how these institutions are already engaging with the issue are found in the series of national law and policy reports prepared as part of the ten country regional thematic study on internal displacement in the context of disasters and climate change.<sup>21</sup>

For the network:

Dr Joseph Foukona  
(University of Hawai'i, USA / University of the South Pacific, Vanuatu)

Ryan Jeremiah Donato Quan  
(Ateneo de Manila University School of Law, the Philippines)

Dr Md Abdul Awal Khan  
(Independent University Bangladesh)

Dr Albert Salamanca  
(Stockholm Environment Institute, Thailand)

Ratana Ly  
(Centre for the Study of Humanitarian Law, Cambodia)

Dr Matthew Scott  
(Raoul Wallenberg Institute, Sweden)

Dr Carl Middleton  
(Center for Social Development Studies, Chulalongkorn University, Thailand)

Ahmad Rizky Mardhatillah Umar (University of Queensland, Australia / ASEAN Studies Center, Universitas Gadjah Mada, Indonesia)

Dr Bala Raju Nikku  
(Thompson Rivers University, Canada)

Tess Van Geelen (fmr University of the South Pacific, Vanuatu)

Dr Margaretha Wewerinke-Singh  
(Leiden University, the Netherlands / University of the South Pacific, Vanuatu)

For further information, please contact Dr Matthew Scott at [matthew.scott@rwi.lu.se](mailto:matthew.scott@rwi.lu.se)

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<sup>21</sup> <https://rwi.lu.se/disaster-displacement>