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Climate Change and Internal Displacement: A Contribution to the Discussion

Prepared for UNHCR Bellagio Roundtable, 22-26 February 2011
By Elizabeth Ferris

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“The commonality of climate change as a driver is an insufficient rationale for grouping together a disparate array of displacement scenarios and proceeding to discuss policy responses in generic terms.”¹

While there is growing interest in the issue of climate change and displacement, there doesn't seem to be consensus about the 'entry point' into the debate. Many have tried to estimate the potential scale of displacement, with widely varying results resulting from different assumptions and methodologies.² Others have analyzed the legal gaps, particularly for those who cross international borders because of the effects of climate change.³ Still others have sought to analyze the potential for increased conflict resulting from the effects of climate change.⁴

Following on the observation by Jane McAdam and others that climate change is likely to produce different displacement scenarios requiring different policy solutions, I would like to reflect on one type of displacement which is likely to occur as a result of climate change: the relocation or resettlement of communities from areas which are no longer habitable because of environmental consequences of climate change. In particular I will focus on the relevance of experiences with development-forced displacement and resettlement (DFDR) in providing guidance for national policy-makers and international organizations likely to be involved in designing and implementing such relocations.

Although people displaced by development projects are considered IDPs in the definition of the *Guiding Principles* and in the new African Union Convention on Protection and Assistance of IDPs in Africa, and although there is a huge field of anthropologists and sociologists who have been working in this area for several decades, I think it's fair to say that this field is almost unknown by most humanitarian actors working with refugees and IDPs. Planning for the

* Thanks to Daniel Petz for his research assistance and to Michael Cernea for his comments on this paper.

¹ Jane McAdam, “‘Disappearing States,’ Statelessness and the Boundaries of International Law,” in *Climate Change and Displacement: Multidisciplinary Perspectives*, ed. by Jane McAdam, Oxford and Portland, Oregon: Hart Publishing, 2010, p. 107.

² See: Christian Aid, *The climate of poverty: facts, fears and hope*, 2006; see also: Global Humanitarian Forum, *The Anatomy of a Silent Crisis, Climate Change, Human Impact Report*, 2009; See also: *Stern Review: The Economics of Climate Change*, 2006

³ Jane McAdam (ed.), *Climate Change and Displacement*, 2010

⁴ Alex Evans, Resource Scarcity, Climate Change and the Risk of Violent Conflict, World Development Report 2011 Background Paper, 2010; See also: Clionadh Raleigh, Lisa Jordan and Idean Salehyan, *Assessing the Impact of Climate Change on Migration and Conflict*, The World Bank Group, 2008

resettlement of people to be affected by the construction of a massive dam has seemed very distant from the work of humanitarians setting up refugee camps to deal with people fleeing civil conflict or constructing temporary shelters for those displaced by natural disasters. Moreover, development and humanitarian actors have different cultures and language which sometimes impedes communication; for example, the word 'resettlement' has very different meanings for UNHCR and for the World Bank. And yet as humanitarian agencies begin to consider the consequences of climate change-induced displacement, there are opportunities to learn from the experiences of colleagues working in the development field.

I'd like to do several things in this talk:

1. Briefly review definitions of key terms and legal issues
2. Give a brief overview of some of the lessons learned from experiences with development-induced displacement (DFDR)
3. Analyze similarities and differences between DFDR, displacement from conflicts and sudden-onset natural disasters, and climate change-induced displacement (CID)
4. Suggest how the lessons learned from DFDR can be applied to those displaced by CID

Definitions and Legal issues:

For humanitarian actors, the term '**displacement**' connotes some degree of coercion or forcible movement and applies both to those forced to leave their countries (refugees, asylum-seekers) and those forced to leave their communities but who remain within the borders of their country (internally displaced persons or IDPs). The term '**migration**' (although not defined in international law) generally refers to those who voluntarily choose to move to another community (internal migrant) or country (international migrant). For many scholars, the term **forced migration** is a "general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects."⁵ The decision to migrate for economic reasons or to flee a dangerous situation is an individual choice. People evaluate risk differently and even in situations of large-scale violence or reports of an impending natural disaster, there are often people who choose not to leave or who are unable to do so.

In contrast, development actors use the term **involuntary displacement** to refer to cases where the decision of moving is made and imposed by an external agent and when there is no possibility to stay. Involuntary displacement can be caused by environmental degradation, natural disasters, conflicts or development projects. It is associated with loss of housing, shelter, income, land, livelihoods, assets, access to resources and services, among others. Like humanitarian approaches, development actors recognize that displacement affects not only those physically displaced but also the resident population (people who are not directly affected and thus do not move but feel the impact of losing their neighbors and resources) as

⁵ <http://www.forcedmigration.org/whatisfm.htm>

well as the host population (those who receive displaced persons and who could be positively or adversely affected by this situation).⁶

Formerly referred to as development-induced displacement, the term of choice today in the development community is **development- forced displacement and resettlement (DFDR)** which refers to the involuntary displacement and resettlement of people and communities by large-scale infrastructure projects such as capital-intensive, high-technology, large-scale projects which convert farmlands, fishing grounds, forests, and homes into dam-created reservoirs, irrigation schemes, mining operations, plantations, colonization projects, highways, urban renewal, industrial complexes, and tourist resorts, all in the name of regional and national development, aimed at generating economic growth.⁷ DFDR is always applied to communities or groups of people rather than to individuals.

Resettlement as used by those working on development-caused displacement, refers to a process to assist the displaced persons to replace their housing, assets, livelihoods, land, access to resources and services and to restore their socioeconomic and cultural conditions.⁸ In other words, the term resettlement as used by development actors is not just physical movement of people, but includes also the process of restoring socioeconomic conditions (or **reconstruction** as sometimes used by humanitarian, development, and security actors alike.)⁹

On the humanitarian side, there is growing awareness of **natural disaster-induced displacement (NDID)**. Recognizing that human actions often exacerbate the effects of natural hazards, the term ‘natural disaster’ is used here as shorthand for ‘a disaster caused by natural hazards.’ A disaster is a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources.¹⁰ People are often displaced by natural disasters. While the terms **sudden-onset** and **slow-onset disasters** are widely used to contrast, for example, the occurrence of an earthquake (which occurs in a matter of minutes) and drought (which may develop over years), there is no accepted dividing line between sudden and slow-onset disasters. Thus the flooding in Pakistan in July-August

⁶ World Bank, “Involuntary Resettlement”, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTINVRES/0,,menuPK:410241~pagePK:149018~piPK:149093~theSitePK:410235,00.html>

⁷ Anthony Oliver-Smith, “Development-Forced Displacement and Resettlement: A Global Human Rights Crisis”, in Anthony Oliver-Smith (ed.), *Development & Dispossession, The Crisis of Forced Displacement and Resettlement*, 2009, p. 3f

⁸ World Bank, “Involuntary Resettlement”, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTINVRES/0,,meuPK:410241~pagePK:149018~piPK:149093~theSitePK:410235,00.html>

⁹ Note that **reconstruction** has a different meaning for humanitarian and some development actors who see reconstruction as part of a post-conflict effort to restore both physical infrastructure and social and political structures. See for example: Beyond Intractability “Reconstruction”, University of Colorado, November 2003 http://www.beyondintractability.org/essay/reconstructive_programs/,

¹⁰ Brookings-Bern Project on Internal Displacement, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011, p. 55 and p. 58

2010 developed over a period of months – in fact it is hard to date the beginning of the disaster – but is generally considered to have been a sudden-onset disaster.

The line between climate change induced displacement and natural disaster-induced displacement is thus particularly difficult to determine. In many regions of the world, cycles of monsoon rains trigger floods on a regular basis. It is difficult to ascertain when heavier floods than usual are the result of long-term changes in climate or normal variations in natural phenomena. In the case of the 2010 Pakistani floods, there was a widespread feeling in Pakistan that the floods were unusually severe because of climate change, but it is hard to draw the causal connection.¹¹ The relationship between climate change and drought is particularly difficult to ascertain.

Finally, with respect to natural disasters there is often a need for **evacuations** which are defined as the facilitation or organization of transfer of individuals or groups from one area/locality to another in order to ensure their security, safety and well-being.¹² These evacuations are often assumed to be temporary as when people are evacuated from the path of an impending cyclone or hurricane.

The term **relocation** can include both: a) Temporary relocation: the act of moving evacuated people to a place where they stay until return or settlement elsewhere in the country becomes possible; or b) Permanent relocation: the act of moving people to another location in the country and settling them when they no longer can return to their homes or place of habitual residence. Relocations can be voluntary, i.e. with the consent of affected persons, or forced, i.e. against the will of such persons. The *Operational Guidelines on Protection in Natural Disasters* specify that relocation is only successful if it leads to a durable solution in the sense of sustainable settlement elsewhere in the country.¹³

If humanitarian and development actors are to learn from each other, they need to understand the different ways that terms are used.

Legal issues

Whatever the causes of their displacement, international human rights law applies to those who have been displaced, relocated or resettled from their home communities. This means that basic rights, such as freedom of movement, cannot be restricted unless there are compelling reasons for states to enact limitations. In addition, those displaced by conflict are also subject to international humanitarian law and refugee law applies to those who have crossed an international border to escape persecution on one of the five grounds spelled out in

¹¹ Alice Thomas, Renata Rendon, *Confronting Climate Displacement, Learning from Pakistan's Floods*, Refugees International, November 2010, <http://www.refintl.org/policy/in-depth-report/confronting-climate-displacement>

¹² Brookings-Bern Project on Internal Displacement, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011, p. 56

¹³ Brookings-Bern Project on Internal Displacement, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011, p. 58

the 1951 Convention. Beyond these legally binding instruments, there are different sets of guidelines and principles which apply to particular situations. For those displaced within their country's borders because of conflicts, disasters or development projects, the *Guiding Principles on Internal Displacement* are applicable. These principles, distilled from applicable international humanitarian law, international human rights law and refugee law, spell out the responsibilities of national authorities to prevent displacement, to respond to the needs of those who have been displaced and to support durable solutions for their displacement. International organizations have adopted *Operational Guidelines on the Protection of Persons in Situations of Natural Disaster* to ensure that rights are protected when natural hazards result in disasters.

While humanitarian actors base their actions on international humanitarian and human rights law, the World Bank's *OP 4.12 Guidelines on Involuntary Resettlement* do not explicitly reference human rights standards. Rather these *Guidelines*, which have evolved over time and have been extended by various regional development banks, spell out the conditions under which governments must operate in resettling people who must be moved to accommodate a development project funded by the World Bank. Like the *Operational Guidelines on Natural Disasters*, they were formulated by international organizations rather than states in a treaty-making process.

In 1997, the UN Commission on Human Rights requested the Secretary-General to convene an expert group on the issue of development-induced displacement. The expert group produced a set of comprehensive guidelines, based on international human rights law, on development-induced displacement. Although these guidelines were presented in the Secretary-General's report, they were not codified into international law, but rather served as a basis for the later development of UN Guidelines on Forced Evictions¹⁴ (which also function as guidelines rather than as international law).

While people's experiences of being displaced might be similar, regardless of the causes which provoked their displacement,¹⁵ the international system responds in very different ways depending on those causes, as evidenced in the table below.

¹⁴ UN Economic and Social Council, *The Realization of Economic, Social and Cultural Rights, Expert seminar on the practice of forced evictions (Geneva, 11-13 June 1997)*, Report to the Secretary-General, 2 July 1997, <http://www.unhcr.ch/huridocda/huridoca.nsf/%28Symbol%29/E.CN.4.Sub.2.1997.7.En?Opendocument>

¹⁵ Elizabeth Ferris, *Natural Disaster- and Conflict-Induced Displacement: Similarities, Differences and Inter-Connections*, Society for Applied Anthropology, 27 March 2008, http://www.brookings.edu/speeches/2008/0327_displacement_ferris.aspx

	Development-forced displacement and resettlement (DFDR)	Conflict-induced displacement	Natural disaster-induced displacement*
Assumption about nature of displacement	Will be permanent, can be planned to minimize negative effects	Usually seen as temporary in the beginning, later need for alternate durable solutions is recognized	Usually seen as temporary; in some cases damage to community of origin makes return impossible
Time frame	Long lead time before displacement to plan sites/process	Usually reactive to conflict	Usually reactive to disaster
Primary actors beyond national authorities	Development actors	UNHCR, ICRC, other humanitarian actors	OCHA, IFRC, other humanitarian actors
Legal/policy frameworks	World Bank's OP 4.12, basic IHRL principles	1951 Refugee Convention & 1967 Protocol, IHL, IHRL, Guiding Principles on Internal Displacement	IHRL, Operational Guidelines on Human Rights and Natural Disasters, IFRC Guidelines ¹⁶
Funding	Resettlement costs factored into development project	Humanitarian financing	Humanitarian financing; long-term recovery through development mechanisms

*this refers to sudden-onset natural disasters

As discussed below, some forms of displacement resulting from climate change are likely to be similar to conflict and natural-disaster induced displacement where humanitarian actors have considerable experience. But there are other cases where climate change-induced displacement is more similar to DFDR and thus where the experiences of the development community are particularly relevant.

Climate change-induced displacement (CCD)

The Cancun Adaptation Framework (COP 16) recognized that displacement will take different forms and require action at different levels when it

“invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework ... by undertaking inter alia, the following: ...(f) Measures to enhance understanding, coordination and cooperation with regard to climate change induced

¹⁶ IFRC, *Guidelines on the domestic facilitation and regulation of international disaster relief and initial recovery assistance*, 30 November 2007, <http://www.ifrc.org/what/disasters/idrl/resources/guidelines.asp>

displacement, migration and planned relocation, where appropriate, at national, regional and international levels.”¹⁷

Climate change-induced displacement can take different forms, including displacement where humanitarian actors have considerable experience, such as:

- people displaced by increasing severity and frequency of natural disasters
- people displaced by conflict which is the result of increased competition for scarce resources which is exacerbated by the effect of climate change¹⁸

As the Inter-Agency Standing Committee (IASC) has discussed, existing legal frameworks may be inadequate to deal with these types of displacement – particularly in the case of people displaced across national borders because of natural disasters. Others at this seminar will address that.

Other categories of CCD require different types of response:

- people who need to be relocated from areas prone to natural disasters because of climate change (e.g. flood areas)¹⁹
- people who need to be relocated because their country faces destruction from the effects of climate change (e.g. small island states facing sea level rise)
- people who are displaced because their livelihoods are threatened by climate change (e.g. drought, salinisation of water resulting from sea level rise) and who need to find new permanent homes
- people who need to be relocated because of large-scale adaptation projects such as sea walls, replanting of mangroves, and restoration of marshlands

Thus Kälin posits that:

“Disasters will increase the need for governments to *designate areas as high-risk zones* too dangerous for human habitation. This means that people may have to be (forcibly) evacuated and displaced from their homes and prohibited from returning there and relocated to safe areas. This could occur, for example, because of increased risk of flooding or mudslides due to the thaw of the permafrost in mountain regions, but also along rivers and coastal plains prone to flooding. The difference between this situation and the previous typology of disaster-induced displacement is that return may not be

¹⁷ UNIFCCC, Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention, CP 16, 2010, http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_lca.pdf#page=3, para 14(f)

¹⁸ Walter Kälin, *Displacement Caused by the Effects of Climate Change: Who Will Be Affected and What Are the Gaps in the Normative Framework for Their Protection?*, paper presented to the IASC, 10 October 2008, http://www.brookings.edu/papers/2008/1016_climate_change_kalin.aspx

¹⁹ 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.

possible, thus becoming a permanent form of displacement until other durable solutions are found for those affected.²⁰

This type of displacement is already occurring in places such as Vietnam's Mekong Delta, Mozambique's Zambezi River basin and Inner Mongolia.²¹

It is these three types of climate change-induced displacement where the experiences of development actors in resettling communities affected by development projects are most applicable. In these cases, rather than reacting to the movement of people (which is the basis of most humanitarian action), there will be a need to take proactive steps to move people (which is where DFDR comes in.) With the possible exception of the 'sinking island' scenario, almost all of this movement is expected to be internal, within the borders of the affected state.

Lessons learned from DFDR

The World Bank has been working to make the issue of resettlement of relocated populations an integral (and not incidental) part of development project planning since 1980 when it issued its first Operational guidelines on resettlement. Since then they have been revised several times, most recently in 2001.²² The regional development banks -- African Development Bank, Asian Development Bank, and InterAmerican Development Bank as well as the Organization for Economic Cooperation and Development (OECD) -- have all developed guidelines for involuntary resettlement. In addition, the UN in 2007 issued guidelines on forced evictions.²³

The scale of development-induced displacement is enormous. Estimates are that 280-300 million people have been displaced by development projects, particularly dams, in the last 20 years and that 15 million people are displaced annually.²⁴ Construction of dams, highways, transportation infrastructure, and energy development are probably the best known of development activities requiring the permanent relocation of populations, but DFDR also includes urban development projects, agricultural expansion, parks and forest reserves, and population redistribution schemes which also displace people. Since many of these large-scale projects require international financing, the major international financial institutions have exercised considerable influence in ensuring that the relocations of affected people are carried

²⁰ Ibid

²¹ De Sherbinin, A., K. Warner, and C. Ehrhart. 2010. "Climate Change and Migration", *Scientific American*, forthcoming. Zhang, Q. 2010. "Mongolie Intérieure: Désertification, Migration et Transformations des Modes de Vie," *Hommes et Migrations* 1284: 42-55. Both cited in Alex de Sherbinin, Marcia Castro and Francois Gemenne, *Preparing for Population Displacement and Resettlement Associated with Large Climate Change Adaptation and Mitigation Projects*, Background Paper for the Bellagio Workshop 2-6 November 2010, 2010

²² World Bank, Operational Manual, OP 4.12 – Involuntary Resettlement, 2007, <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

²³ OHCHR, Basic Principles and Guidelines on Development Based Evictions and Displacement, 2007, http://www2.ohchr.org/english/issues/housing/docs/guidelines_en.pdf

²⁴ Michael M. Cernea, Hari Mohan Mathur (edi.), *Can Compensation Prevent Impoverishment, Reforming Resettlement through Investments and Benefit-Sharing*, 2008, p.20

out in accord with recognized guidelines and standards. In some cases, governments have chosen to finance the projects themselves so as to avoid being subject to these restrictions. Thus in the case of the Three Gorges Dam, which displaced 2 million people over an 8 year time period, the Chinese government chose to finance the US \$25 billion project on its own²⁵ – and to carry out the resettlement of affected populations without having to worry about compliance with development bank guidelines.

The basic principles on which existing guidelines for DFDR are based can be summed up in a few sentences. Involuntary resettlement should be avoided where feasible. Where it is not feasible to avoid resettlement, the scale of displacement should be minimized and resettlement activities should be conceived and executed as sustainable development programs based on meaningful consultation with displaced persons. Displaced persons should be assisted to improve their livelihoods and living standards at least to the levels they enjoyed before the displacement.²⁶

People who are displaced by development projects risk a sharp decline in their standards of living. Michael Cernea's impoverishment and reconstruction model spells out some of the key risks of such displacement: landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property, and social disintegration.²⁷ If left unaddressed, these embedded risks result in massive impoverishment. And particular groups may be especially affected, as noted in the World Bank's *Operational Manual*: "Bank experience has shown that resettlement of indigenous people with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival." (OP 4.12, para.9)

It should be noted that displacement resulting from both conflict and natural disasters carries with it a similar dynamic of impoverishment albeit one which international actors seek to mitigate through humanitarian assistance. Interestingly, while humanitarian actors almost always speak of both protection and assistance needs, the literature on DFDR rarely mentions the protection needs of those displaced by development projects. Given the fact that those displaced by an infrastructure project may also be in need of protection, this might be an area where development actors working on DFDR can learn from the humanitarian community.

The World Bank model is based on the commitment that people deserve to be compensated for and assisted in their displacement. Determining eligibility for compensation or resettlement assistance must take into consideration those who have formal legal rights, those who don't

²⁵ BBC News, "Three Gorges dam wall completed", 20 May 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/5000092.stm>

²⁶ This is from the Introduction by James Wolfensohn to *Operational Policies OP4.12 Involuntary Resettlement*, New York: World Bank Operational Manual, p. 1.

²⁷ Michael Cernea "Risks, Safeguards and Reconstruction," in Michael M. Cernea and Christopher McDowell, eds., *Risks and Reconstruction: Experiences of Resettlers and Refugees*, Washington, DC: World Bank, 2000, and Michael Cernea, *Public Policy Responses to Development-Induced Population Displacements*, Washington, DC: World Bank Reprint Series: Number 479, 1996

have such formal rights but who have a claim to the land and those who have no recognizable legal right or claim to the land they're occupying (OP 4.12, paras 14-16). The first two groups are eligible for compensation for the land they lose while the last group is provided resettlement assistance.

Resettlement plans are based on socioeconomic studies which include:

- A census survey covering current occupants of the affected area
- basic characteristics of displaced households (e.g. production standards of living)
- magnitude of the expected loss of assets and extent of displacement
- information on vulnerable groups
- provisions to update information on displaced people's livelihoods at regular intervals;

Other studies are also mandated, including on land tenure, patterns of social interaction, public infrastructure and social interaction to be affected, and social and cultural characteristics of displaced communities;

Governments are required to develop resettlement plans for people to be displaced by development projects which must include analysis of:

- Legal framework including the scope of the power of eminent domain, the nature of compensation associated with it, applicable legal and administrative procedures, laws and regulations relating to the agencies responsible for implementing resettlement activities, gaps in local laws and the Bank's resettlement policy
- Institutional framework, including identification of agencies responsible for the framework, assessment of the institutional capacities of these agencies and NGOs, steps needed to enhance the capacity of agencies and NGOs
- Eligibility criteria for determining eligibility for compensation
- A description of how losses will be valued and compensated
- Description of packages of compensation and other resettlement measures
- Site selection, site preparation and relocation
- Housing, infrastructure and social services
- Environmental protection and management
- Community participation
- Integration with host populations, including consultations with host communities and local government, payment of hosts for land, arrangements for addressing any conflict that may arise, measures to augment services in host communities
- Grievance procedures
- Implementation schedule
- Costs and budget
- Monitoring and evaluation;

Before international financing is provided, governments must submit an acceptable resettlement plan and ensure that the full costs of resettlement activities necessary to achieve the objectives of the project are to be included in the total costs of the project. (OP 4.12, para

20) However, as Cernea points out, the Achilles heel of the system is that there is no requirement that funding be sufficient to ensure that all aspects of the resettlement plans are implemented.²⁸

Although there are certainly wide variations in the way such plans are developed and implemented, the fact that comprehensive planning is mandated in the case of development-forced displacement and resettlement stands in stark contrast to the way in which both national authorities and international humanitarian actors respond to displacement resulting from conflict and natural disasters. While contingency planning does take place, rarely does it extend beyond planning for the initial emergency response phase.

Similarities and differences between DFDR and conflict-induced displacement

One of the differences between DFDR and conflict-induced displacement concerns the role of the state. Freedom of movement is a basic human right and both international human rights law and international humanitarian law recognize that states have a responsibility to prevent displacement. When displacement is unavoidable, it should last no longer than required by the circumstances.²⁹ In the case of DFDR, it is the states which are responsible for the displacement of the population, by virtue of their recognized power to appropriate property for public use.

A second difference is that when a major development project, such as a dam or major highway, requires the relocation of people living in the affected area, the assumption from the beginning is that the relocation will be permanent. When people are displaced because of conflict or natural disasters, at least the initial assumption is that the displacement will be temporary. When displacement in these cases lasts a long time (as it often does), efforts intensify to find durable solutions. While for humanitarians, there is a need to find solutions for displacement, in the case of DFDR, resettlement (under the right conditions) is the solution.

One of the differences between natural disaster and conflict-induced displacement is that in the case of natural disasters sometimes the community of origin has been rendered uninhabitable. Similarly, for areas rendered uninhabitable because of climate change, people's displacement or relocation is also likely to be permanent which means that the experiences with DFDR may in fact be more relevant than humanitarian principles guiding displacement.

When relocations take place with the assumption that it will be permanent, more attention can be paid to both the conditions and the process by which the resettlement will take place.

²⁸ Michael M. Cernea, *The Flawed Economics of DFDR and its Impoverishing Effects: Lessons for Climate Change Adaptation and The Building Blocks for a Sound Economics of Resettlement and Reconstruction: Investments, Benefit-Sharing, Enhanced Compensation, Contingency Reparations*”, PowerPoint Presentation 3 November 2010, Bellagio

²⁹ Guiding Principles, principle 6 (3).

A third major difference between humanitarian and development approaches to displacement is that with development projects, there is a long lead time which can be used to plan for fair resettlement policies and programs. This is not the case with either conflict or sudden-onset natural disasters. Even when disasters such as hurricanes or typhoons can be predicted, the lack of specificity about when and where they will occur makes it difficult for governments and international actors to plan for displacement, much less for durable solutions.

Both relocating people from areas at risk of natural disasters and from areas rendered inhabitable by natural disasters usually have shorter time frames than the period available to plan for construction of a major dam or other development project.

A fourth major difference concerns the financing of displacement. Many major development projects have enjoyed financing by the World Bank and regional development banks. The guidelines on involuntary resettlement they have produced have led governments to adopt resettlement policies in order to access needed funds. It's not at all clear that governments seeking to respond to those displaced by climate change will seek to access international development funds from the Bank and thus be subject to these guidelines. Nor is it clear that the climate change adaptation and mitigation fund created by the Copenhagen/Cancun treaties will include international safeguards for those resettled through funding from these new mechanisms.

Evacuations and Relocations

Although frequently lumped in together, evacuations and relocations are different. Guidelines for evacuation from the immediate effects of natural disasters need to be different than those developed to resettle people from areas to be affected by climate change. The timeframes and responsibilities of governments are different. For those facing permanent displacement or resettlement because of climate change, the World Bank guidelines for resettlement would seem to be the most applicable, as discussed below.

Evacuations

There is little controversy when a government warns its population of imminent dangers and suggests that they evacuate the area. But the situation is more difficult when a state mandates evacuation of people against their will or uses force to implement evacuation orders. Yet the basic responsibility of the state is to protect its population. "International human rights law obliges authorities not only to respect life by refraining from taking it but also to protect it against danger emanating from third parties or specific situations including environmental hazards or disasters. If an evacuation is not carried out when there is a (foreseeable) serious and imminent threat to the life of people, it is a violation by the State of its duty to protect the life of people under its care."³⁰

³⁰ Pacific Center, "Decision Guidelines on Mandatory Evacuations," Draft 16 Feb 2010

The *Operational Guidelines on Natural Disasters* developed criteria to ensure that mandatory evacuations are carried out in accord with international human rights standards. In order for mandatory evacuations to be consistent with international human rights law, they must be lawful, used only in the case of serious and imminent threat to the lives of the affected population, include measures to protect vulnerable groups and to consult with affected groups:

1. The life, physical integrity and health of persons exposed to imminent risks created by natural disasters, including in particular of persons with specific needs, should be protected, to the maximum extent possible, wherever those persons may be located.
2. If such measures are not sufficient to protect them, the departure of endangered persons from the danger zone should be facilitated.
3. To the extent that endangered persons cannot leave on their own they should be evacuated from the danger zone.
4. 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.
5. Evacuations, whether voluntary or forced, should be carried out in a manner that fully respects the rights to life, dignity, liberty and security of those affected and that does not discriminate against anyone. To the extent possible, the people concerned should be informed, in a manner that is accessible to them and in a language they can understand, of the likely duration and process of the evacuation as well as the reasons why it is necessary.
6. Persons who leave or are evacuated should be supported to stay as close to their places of habitual residence as the security/safety situation allows.
7. The designated evacuation centres or temporary shelter zones, which affected persons are brought to or received in, should be safe and not expose them to further risk. They should provide living conditions that respect the dignity of the persons concerned.
8. 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.
9. The right to freedom of movement of affected persons, whether or not displaced, should be respected and protected. This right should be understood as including the right to freely decide whether to remain in or to leave an endangered zone. It should not be subject to restrictions except those which are: (i) provided for by law, (ii) serve exclusively the purpose of protecting the safety of the persons concerned, and (iii) are used only when there are no other less intrusive measures. In the case of evacuations, temporary relocation should not last longer than absolutely necessary.

10. Internally displaced persons should be granted the right to choose freely whether they want to return to their homes and places of origin, to integrate locally in the area to which they have been displaced, or to settle elsewhere in the country. Appropriate measures, such as consultation, information campaigns and go-and-see visits should be taken to enable such persons to take an informed decision in this regard.³¹

Resettlement resulting from climate change

As detailed above, the World Bank spearheaded efforts more than 30 years ago to develop policies on resettlement and reconstruction when people must be relocated in order for an internationally-funded development project to be implemented. Funding for such projects is only approved and distributed when the government agrees with and commits to an approved resettlement plan.

There are some factors, however, which might limit the applicability of these guidelines to cases where people are displaced because the area in which they traditionally lived has become uninhabitable due to climate change.

IN DFDR, the costs of resettlement are built into the project's overall funding. In other words, the costs of building a dam include the costs of resettling the displaced. But what happens when there is no carefully planned overall project proposal?

Questions of finance

1. Resettling affected communities in a way that respects their rights and gives them a chance at re-establishing their former standard of living costs money. In DFDR, the costs of resettlement are built into the project's overall funding. In other words, the costs of building a dam include the costs of resettling the displaced. But what happens when there is no carefully planned overall project proposal? When people are forced to move because their land has, for example, been eroded away? Is it the government's responsibility to provide them with alternative land?
2. The 'stick' in resettling populations from DFDR has been international financing. If a government does not comply with the guidelines, the banks do not lend the money and the government is either forced to abandon the plans or to find alternative sources of financing. But the question arises about the extent to which international financing will be made available for resettling people due to changed environments. If international financing is not available for such projects, it seems unlikely that affected governments will make the necessary resources available to plan and implement resettlement plans that uphold the rights of communities. In fact, it is precisely those governments that are likely to experience increased financial pressure on other fronts as a result of climate change (e.g. decline of tourist or fishing industries, lower tax revenues, perhaps increased political turmoil).

³¹ Brookings-Bern Project on Internal Displacement, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, January 2011, p. 55 and p. 15ff and p 45f

3. Over the years, there has been an accumulation of good practices of resettlement resulting from DFDR and thousands of experts have provided technical expertise to governments to design good policies. But the cost of this technical expertise has been built into the costs of the project. If millions of people are to be resettled because of the environmental impacts of climate change, will needed technical expertise be made available to support resettlement efforts? Who will pay for this technical assistance?

Other concerns

4. The long lead time in planning resettlement of people displaced by development projects has made it possible to carry out necessary studies, determine appropriate compensation schemes, and consult with affected communities. (Even with the long lead times, it should be noted that this has not always resulted in good outcomes.) But the question arises as to whether there will be a similarly long lead time in the case of climate change. Will government officials and communities recognize in advance the point at which areas become uninhabitable? In some cases, such as rising sea levels, it might be able to predict that in X years at a given rate of increase, coastlines will no longer be habitable. But it is likely that the dividing line between 'fit and unfit' for human habitation will not be so clearly drawn in the case of land affected by drought. Given cyclical natures of drought in some regions, it may be difficult to tell when the point of 'uninhabitability' has been reached. Even when some experts may decide that because of climate change, region X is no longer habitable and people should be permanently resettled elsewhere, it is likely that a) there will be other experts urging patience, b) some of the people in that region will simply migrate on their own regardless of what the experts say, and c) others will remain in increasingly desperate conditions because of a lack of alternatives and/or factors limiting their mobility. Without the long lead time in planning resettlement, it is unlikely that good resettlement plans will be developed and implemented.
5. In the case of a development project, there are clear deadlines (which are, however, often postponed in practice) for the resettlement of affected communities and communities are relocated in groups. However, in the case of land made uninhabitable by consequences of climate change, the deadlines are far from clear. In some cases, governments may try to relocate people before areas become uninhabitable, but in the absence of adequate planning and funding, this could result in increased vulnerability of those groups.³² Moreover, there is a real danger that such relocations may not be carried out with the principal goal of protecting people at risk, but rather that "powerful actors will use the excuse of reducing community exposure to climate change in order to conduct forced migrations, for political or economic gain."³³
6. For DFDR, governments are required to secure land for the resettlement of affected communities. In the case of climate change-induced displacement, there is likely to be

³² Jon Barnett and Michael Webber, "Migration as Adaptation: Opportunities and Limits," in *Climate Change and Displacement: Multidisciplinary Perspectives*, ed. by Jane McAdam, Oxford and Portland, Oregon: Hart Publishing, 2010, p. 54

³³ *Ibid.*, p. 53.

increased pressure on the availability of land suitable for resettlement sites. Thus, if fisherfolk need to be resettled because of the erosion of coastline due to climate change, it is unlikely that it will be easy to find alternative sites for them – at least on coastlines which would enable them to continue their traditional livelihoods. Similarly, if large areas of a country are deemed unsuitable for habitation because of drought, the overall availability of land is likely to become both scarcer and more expensive.

Concluding thoughts

As the international humanitarian community grapples with questions about how to respond to the effects of climate change, the experiences of development actors in relocating and resettling populations for development projects offers some useful lessons. However, development and humanitarian actors have different starting points, use different terminology, and have different incentives. While humanitarian actors usually base their work on international human rights and humanitarian law, development actors usually emphasize their experiences in good development practices. In particular the lack of references to the rights of affected populations and to their protection needs in guidelines for development-induced displacement make it difficult for humanitarian actors to use them. While humanitarian actors usually take the moral high ground in urging compliance with international standards, development actors such as the World Bank can condition their financial support on compliance with their guidelines. The fact that terms such as ‘displacement’ and ‘resettlement’ mean different things to humanitarian and development actors requires an uncomfortable adjustment for both sides in struggling to find common ground.³⁴

In order to apply some of the lessons learned from DFDR to future CCID, further work is needed, especially to:

- Sort out which of the guidelines for DFDR are immediately applicable to CCID, which require adaptation (particularly around questions of financing), and gaps which may require new guidelines
- Learn from the on-the-ground experiences of the application of DFDR guidelines, with a particular emphasis on experiences that seemed to work well for the resettled populations
- Review provisions in the new climate change adaptation funds to determine the extent to which they may include safeguards to ensure that the rights of those forced to relocate are upheld
- Translate the relevant provisions in the *Operational Guidelines on Protection and Natural Disasters* concerning forced evacuations into practical checklists that can be

³⁴ To give a personal example, coming from a humanitarian background and thus comfortable with humanitarian jargon, I find myself cringing when I hear development professionals referring to their work in relocating people as resettlement. This is a similar discomfort to hearing references to ‘economic or environmental refugees.’

used by governments in determining when and how to force people to leave situations in which their lives are at risk³⁵

- Work to develop greater conceptual clarity around the issue of ‘slow-onset’ disasters, including guidance on how to determine the relationship between such disasters and climate change and to distinguish between sudden and slow-onset disasters. In this respect, further analysis of the development of the 2010 Pakistani floods may be useful
- Analyze the ways in which both development and humanitarian actors have responded to drought, with a particular emphasis on cases in which populations have either relocated spontaneously or been resettled

There is much that is unknown about the future scale and nature of climate change-induced displacement. While the experiences of humanitarian actors may provide the necessary expertise to respond to some forms of such displacement – particularly that resulting from sudden-onset natural disasters and from increasing conflict – the experience of development actors will be particularly useful in cases in which populations need to be relocated because their environments have become either unsafe or uninhabitable (or both) because of the effects of climate change.

³⁵ The Pacific Centre has developed such checklists for response in the Pacific which could be a useful basis for future work in this area.

UNDP Pacific Centre and OHCHR Regional Office for the Pacific, Checklists for integrating human rights in natural disaster management in the Pacific, 2007, [http://www.reliefweb.int/rw/lib.nsf/db900sid/SHIG-7GLE4T/\\$file/Checklist_Integrating_HumanRights_in_natural_Disaster_Management.pdf?openelement](http://www.reliefweb.int/rw/lib.nsf/db900sid/SHIG-7GLE4T/$file/Checklist_Integrating_HumanRights_in_natural_Disaster_Management.pdf?openelement)