

BACKGROUND PAPER ON PREVENTING INTERNAL DISPLACEMENT INDUCED BY ARMED CONFLICT, OTHER SITUATIONS OF VIOLENCE, AND DISASTERS

Armed conflict, other situations of violence (other violence), disaster, and the intersection of these situations, can all cause displacement. People are compelled to leave their homes for many reasons, including fear, direct threats to their lives, the destruction of their homes, disruptions to essential services and the economy, difficulty sustaining livelihoods, and environmental degradation. Internal displacement tends to exacerbate people's vulnerability, as they lose their livelihoods, homes, social networks and access to essential services. Preventing and limiting displacement helps protect communities from these ill effects. Prevention must be a continuous process that focuses on preventing the factors that lead to displacement in the first place or to re-displacement, and not on preventing people from seeking safety.

Strengthening efforts to reduce disaster risks and threats to physical security, while safeguarding access to livelihoods and essential services, can help people stay in place if they so desire. States have the primary responsibility to ensure that people are protected from arbitrary displacement. Parties to a conflict, including non-State armed groups (NSAGs), also have obligations under IHL that, if respected, would contribute to preventing displacement during the conduct of hostilities and in areas under their control in situations of armed conflict, including the prohibition of forced displacement. Action to prevent displacement and ensure the protection of affected people is best galvanized when a multiplicity of actors – from humanitarian organizations to development actors or the private sector – join forces to support communities themselves, and State authorities and parties to the conflict in fulfilling their obligations.

With a view to advancing the work of the UN Secretary General's High-Level Panel on Internal Displacement, the International Committee of the Red Cross, the International Federation of the Red Cross and Red Crescent Societies and the High-Level Panel are organising a consultation on the prevention of internal displacement caused by armed conflict, other violence and disasters. This discussion paper aims to support this consultation by highlighting the role and/or responsibilities of governments, non-State armed groups, communities and other relevant actors in preventing displacement and on impactful ways to strengthen prevention. It includes three sections, respectively focusing on preventing displacement during armed conflict and other violence, preventing displacement during disaster situations and preventing displacement when conflict or other violence and disasters intersect. The consultation aims to identify gaps in the actions of states, civil society and the international community, and to highlight promising and scalable good practices.

1. PREVENTING DISPLACEMENT DURING ARMED CONFLICT AND OTHER VIOLENCE

Conflict and other violence caused 8.5 million new displacements in 2019, bringing the total number of people displaced as a result of conflict and other violence to over 45 million.¹ In a situation of conflict, civilians may flee preemptively out of fear, because of direct exposure to conflict, or due to disruptions in their ability to access essential services, such as healthcare and education, and livelihoods. In some cases, these causes of displacement during conflict can also be the result of violations of international

¹ IDMC. 2020. Global Report on Internal Displacement 2020. Available at: <https://www.internal-displacement.org/global-report/grid2020/>

humanitarian law (IHL) and/or International Human Rights Law (IHRL). IHL explicitly prohibits forced displacement by parties to armed conflict unless the security of the civilians involved or imperative military reasons so demand. Other IHL rules, including the prohibition on direct attacks against civilians and civilian objects, indiscriminate attacks, reprisals and collective punishment, and the prohibition on starvation as a method of warfare, if respected also contribute to limiting displacement.² When parties to conflict respect their legal obligations displacement still occurs, but at a reduced scale. In other situations of violence, respect for human rights by States can also help limit displacement.

An Overview of the Roles and/or Responsibilities of State Authorities and NSAGs

States bear the primary responsibility for respecting their obligations under international law. They are responsible for respecting IHRL at all times and for respecting and ensuring respect for IHL in situations of armed conflict. Several measures in this regard should ideally be taken during peacetime. These include incorporating IHL into national legal frameworks and introducing strong accountability measures to prevent war crimes and punish those found guilty of committing them. During a conflict, States have obligations that seek to limit the effects of conflicts on civilians, including by restricting means and methods of warfare. They can do this by refraining from using weapons that have wide-area effects in populated areas, as these weapons are likely to have indiscriminate effects and can damage critical infrastructure and essential services. States can also mitigate against displacement by providing economic and humanitarian assistance to communities, and, when necessary, by ensuring access and safe passage for humanitarian actors in line with relevant obligations.

There are many areas in which States can significantly strengthen their prevention efforts. Limitations stem both from a lack of capacity and a lack of political will. To better address the causes of internal displacement, States could empower a coordinating authority mandated to respond to situations of internal displacement.³ To ensure that preventive measures are effective and adapted to people's needs and capacities, States should also involve communities in major decisions affecting them. States should also ensure that public authorities, civil society, internally displaced persons, and host communities are aware of international humanitarian and human rights law and regional law.⁴

Under IHL, parties to a conflict, including NSAG, are also responsible for not forcibly displacing the civilian population, which includes a duty to prevent displacement caused by their own acts – at least those which are prohibited in and of themselves – in areas under their control and during the conduct of hostilities. In addition, IHL establishes other obligations on parties to an armed conflict, whose implementation would have the effect of diminishing or preventing displacement in practice.

There may be circumstances in which displacement is the best available option for avoiding danger or hardship. State authorities are responsible for ensuring that people can move to protect themselves. IHRL provides a framework that protects people's freedom of movement; a right which is also outlined in the Guiding Principles on Internal Displacement.⁵ Furthermore, although IHL does not contain a right to freedom of movement, ensuring respect for certain of its rules can contribute to allowing or

² See, for example, Common Article 3 to the Geneva Conventions; Fourth Geneva Convention, Article 49; Additional Protocol II, Article 17; Customary International Humanitarian Law, Rule 129.

³ ICRC. 2019. *The Kampala Convention: Key Recommendations Ten Years On*. Available at:

<https://shop.icrc.org/the-kampala-convention-key-recommendations-ten-years-on-3188.html>

⁴ Regionally binding obligations are specifically laid out in frameworks such as the Kampala Convention and are further outlined in the Guiding Principles on Internal Displacement.

⁵ ICRC. 2017. "Annual Sanremo Course on the Law of Internal Displacement: Session on Prevention of Internal Displacement."

facilitating freedom of movement. For instance, as an exception to the prohibition of forced displacement, IHL requires that parties to a conflict evacuate civilians, for as long as the conditions warranting it exist, where the security of the civilians involved or imperative military reasons so demand.

Community Preparedness and Protection: Some Current Practices

In situations of armed conflict and other violence, communities often take measures to prepare for possible displacement with a view to mitigating its associated risks. For instance, communities in Colombia have established early warning systems providing information on potential and imminent violations of IHL, including forced displacement, and of IHRL. This mechanism helps communities decide whether they need to move and how to do so in the safest possible way.⁶

In situations where conflict is recurrent, some communities create contingency plans for the eventuality of displacement. This can involve mapping pre-planned routes, pre-positioning supplies of medicine and food along those routes, making decisions early about what to bring if displacement occurs, and engaging in a dialogue with State authorities and parties to conflict. This helps communities limit the negative impacts of displacement on both displaced people and their hosts.

Some communities also engage directly with weapon bearers to improve the resilience of the population. For instance, in Central African Republic, displaced women formed an association to raise concerns with weapon bearers and to negotiate safe access to nearby farmland. Although this occurred after people were displaced, this dialogue shows how communities can work to prevent secondary displacement by securing access to livelihoods and food and establishing communication with parties to conflict.⁷

Support from Other Actors: Some Current Practices

- ❖ **Developing and implementing adequate domestic laws and policies:** External actors have often supported State authorities in developing laws and policies that protect people from displacement. Research by the ICRC shows that integrating IHL and other norms of restraint into formal training and compliance mechanisms, including the prohibition of arbitrary or forced displacement, has a positive impact on the behavior of armed actors, and that linking obligations to contextual and local norms and values helps the law gain traction and more durably promotes adherence.⁸
- ❖ **Engaging with State authorities and parties to conflict:** Some humanitarian actors do engage in dialogue with parties to a conflict on patterns of IHL violations and the importance of limiting the humanitarian consequences of conflict and respecting other applicable legal obligations. Humanitarian actors have also worked with State authorities in other situations of violence to translate obligations into a clear and accessible language. In these situations, they have similarly worked with State authorities and NSAGs to share good practices and provide training.
- ❖ **Strengthening community resilience:** Regional and international organizations, humanitarian actors, and donors have collaborated with States to make sure that their specific strengths, programs, and capacities contribute to coordinated efforts to prevent displacement.

⁶ *Idem.*

⁷ Cotroneo, A. and Pawlak, M. 2016. "Community-based protection: the ICRC approach." *Forced Migration Review* 53. Available at: <https://www.fmreview.org/community-protection/cotroneo-pawlak>

⁸ ICRC. 2018. *The Roots of Restraint in War*. Available at: <https://shop.icrc.org/the-roots-of-restraint-in-war.html>; and ICRC. 2004. *The Roots of Behaviour in War: Understanding and Preventing IHL Violations*. Available at: <https://shop.icrc.org/les-origines-du-comportement-en-temps-de-guerre-comprendre-et-prevenir-les-violationsdu-dih-2639.html>.

Humanitarian and civil society organizations can implement community-based protection interventions to help strengthen people’s coping mechanisms and resilience. They can also work with communities to help them establish early-warning systems and contingency plans. Humanitarian organizations can also limit the consequences of conflict by providing basic assistance, supporting livelihoods and rehabilitating infrastructure and services. When displacement happens, external actors can assist in preventing some of its consequences and mitigating against further displacement.

2. PREVENTING DISPLACEMENT IN SITUATIONS OF DISASTER

Disasters trigger 61% of all internal displacement. At the end of 2018, around 17.2 million people were newly displaced because of disasters, most of which were the result of weather-related events such as cyclones, storms and monsoon rains.⁹

Disaster events, or the threat of a disaster, can trigger displacement in many ways: pre-emptive evacuations or planned relocations from high-risk hazard areas; escape *en masse* from life-threatening sudden onset disasters; or a gradual shift of populations away from areas of slow onset disaster, such as drought situations, due to the loss of livelihoods and increasing poverty. Climate change is exacerbating the risk of disaster displacement. Today, one weather- or climate-related disaster occurs every 1-2 days, with an estimated 108 million people needing life-saving assistance in 2018, a number that could double by 2050.¹⁰ For the same year, the World Bank is predicting that climate change will push around 143 million people to migrate internally across Sub-Saharan Africa, South Asia and Latin America.¹¹

Displacement is also increasingly urban. Of the average 17 million people at risk of being displaced by floods, over 80% are in urban or semi-urban areas. Displaced people who live dispersed in urban areas can become invisible, also due to assumptions that urban displaced can count on the support of relatives or friends or can afford to pay rent – similar assumptions must be tested against local realities and individual circumstances.

The people who suffer the most are – and will continue to be – the world’s poorest: those who do not have the resources to protect themselves from disasters and who, more often than not, live in areas where climate impacts like floods, droughts and storms hit hardest.

An Overview of the Roles and Responsibilities of State Authorities

There is a nascent recognition that taking appropriate steps to reduce the risks of disasters is not only common sense but also a state obligation under international law related to human rights and the environment. For example, such a duty has been recognised in several judgments of the European Court of Human Rights¹² and in the International Law Commission’s “Draft articles on the protection of persons in the event of disasters.” A specific duty to take steps to prevent displacement in case of

⁹ Internal Displacement Monitoring Centre. (2019). *Global Report on Internal Displacement 2019*. <https://www.internal-displacement.org/global-report/grid2019/>

¹⁰ IFRC. (2019). *The Cost of Doing Nothing*, <https://media.ifrc.org/ifrc/the-cost-of-doing-nothing/#:~:text=In%20its%20latest%20report%2C%20The,billion%20US%20dollars%20per%20year.>

¹¹ World Bank. (2018). *Groundswell: Preparing for Internal Climate Migration*. <https://openknowledge.worldbank.org/handle/10986/29461>

¹² See, for example, the Budayeva and the Öneriyildiz cases.

disasters is included in the Kampala Convention on Protection and Assistance of Internally Displaced Persons in Africa.

Disaster displacement is also addressed in the flagship international instrument on DRR, the Sendai Framework for Disaster Risk Reduction 2015 – 2030” adopted by UN Member States in 2015. The Sendai Framework aims at realizing “the substantial reduction of disaster risk and losses in lives, livelihoods and health and in the economic, physical, social, cultural and environmental assets of persons, businesses, communities and countries.”

More recently, States parties to the Geneva Conventions, National Red Cross and Red Crescent Societies, IFRC, and ICRC adopted a resolution at the 33rd International Conference of the Red Cross and Red Crescent in December 2019 on “disaster laws and policies that leave no one behind,” recognizing how climate change and environmental degradation contribute to displacement.¹³

On a national level, disaster laws and policies constitute an integral part of the integrated approach necessary to addressing climate displacement and planned relocations. Most, but not yet all, 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.

Community Preparedness and Protection: Some Current Practices

In 2018/19, IFRC undertook a global review of IFRC and National Society responses to displacement, as a result of disaster and crisis and in the context of climate change. The review’s findings indicate that a first step towards effective prevention and preparedness involves an improved understanding of displacement as a “risk” triggered by disasters or climate change, which has the potential to be reduced or prevented. Subsequently, existing disaster risk reduction (DRR), climate change adaptation (CCA) and vulnerability and capacity assessment tools and methodologies can be applied to consider the specific risk of disaster-induced displacement, analyze human mobility dynamics and identify targeted mitigation or prevention measures.

The negative consequences of displacement can be minimized and managed through for instance the use of early warning systems, contingency planning that can safeguard against displacement, and good policy and practice on evacuation and planned relocation.

When planning early warning and evacuations, vulnerabilities and protection risks must be considered, to guarantee that evacuations are safe. For instance, failure to adopt a gender sensitive approach in early warning may in fact, prompt or prolong displacement. Likewise, while planned relocation must sometimes be considered, great care must be taken to ensure that it safeguard the rights, livelihoods and dignity of those affected, given that many past experiences have been negative. Effective and accessible participatory mechanisms to protect housing, land and property can also contribute to preventing the conditions leading to internal displacement.¹⁴

¹³ 33rd International Conference of the Red Cross Red Crescent. (2019). *Disaster laws and policies that leave no one behind*. https://rcrcconference.org/app/uploads/2019/12/33IC_R7-Disaster-Law-resolution-adopted-EN-1.pdf

¹⁴ The IFRC uses a Participatory Approach for Safe Shelter Awareness (PASSA) to develop local capacity to reduce shelter related risk by raising awareness and developing skills in joint analysis, learning and decision-making at community level.

Support from Other Actors: Some Current Practices

- ❖ **Understanding the causes of disaster displacement and expanding resourcing solutions to prevent disaster displacement:** Preventing disaster displacement is no easy endeavor as it presupposes a clear understanding of its underlying causes. Knowledge gaps still exist in several areas, for example concerning the exact displacement effects of climate change, the interplay of slow-onset disasters and internal displacement or the interlinkages between internal displacement and cross-border movement. A better understanding of the events that cause displacement is also critical in efforts to prevent their recurrence. In the context of disaster-induced displacement, where stronger investments in resilience¹⁵, DRR and CCA work contribute to supporting community-based actions to prevent the conditions that lead to displacement, available funding and donor interest are still modest. This lack of funding is linked to a perception that internal displacement due to disasters is a short-term issue, not suited to the longer-term community-based approaches of DRR, resilience and CCA.
- ❖ **Strengthening local capacities and incorporating displacement risk in disaster risk management:** When displacement is understood as a risk factor in disaster management, the success of prevention efforts is linked to the resilience of the affected communities. Preventing or mitigating displacement risks will depend on the capacities of local actors and necessitates investments in food security, livelihoods, health, shelter, DRR, and CCA. This presents an opportunity to explore and scale up early warning early action measures and innovative financing mechanisms such as forecast-based financing to better anticipate and reduce displacement risks ahead of impact.
- ❖ **Addressing disaster displacement in national and local normative and policy frameworks:** Civil society and international actors can support interested states to adopt national and local policies and programmes that address disaster-induced displacement and strengthen the resilience of affected people and host communities (as per the Sendai Framework). This means incorporating human mobility into disaster risk management laws and policies, National Adaptation Plans and other relevant local, sub-national and national level legal and policy processes. While some States have adopted stand-alone laws and policies on internal displacement, it makes little sense to address the prevention of displacement separately from more general disaster risk management efforts, so it is important to guard against the potential of duplication or conflicts that can result from parallel legal and institutional systems.

3. PREVENTING DISPLACEMENT RESULTING FROM THE INTERSECTION OF CONFLICT AND OTHER VIOLENCE AND DISASTER

People often face multiple threats and stressors. In situations of armed conflict or other violence people may also have to cope with disasters, and communities already coping with disasters may face conflict or other violence. For instance, communities in South Sudan or Somalia that have long endured the consequences of protracted conflict have also faced repeated droughts and floods. In such environments, measures to reduce disaster risks tend to be particularly weak.

¹⁵ The IFRC defines resilience as, “the ability of individuals, communities, organizations or countries exposed to disasters, crises and underlying vulnerabilities to anticipate, prepare for, reduce the impact of, cope with and recover from the effects of shocks and stresses without compromising their long-term prospects.”

The intersection of armed conflict and disasters can lead to new displacement or secondary displacement. Those already displaced by conflict are often particularly vulnerable to disaster-induced displacement.¹⁶ In the face of a disaster, people enduring conflicts may have a very limited capacity to cope, as conflicts limit their adaptive capacity by damaging livelihoods, essential services, markets and social networks. Their only way to cope may be to flee. While such situations call for a holistic analysis and response, disaster-induced and conflict or violence-induced displacement are often analysed and tackled in parallel rather than in an integrated manner.

An Overview of the Roles and/or Responsibilities of State Authorities and NSAGs

Greater efforts to consider the consequences of intersecting armed conflict and disasters are necessary and so is the development of measures to prevent subsequent displacement. These involve improving the resilience of communities to growing climate risks and disasters, and to protect this capacity in situations of conflict and other violence, notably through ensuring access to relevant information, supporting early warning systems and responding adequately to disasters. Efforts to protect fragile ecosystems on which people rely for their food and livelihoods from the adverse effects of conflict and climate shocks are also critical.

In situations of armed conflict, while IHL does not contain duties specifically related to the prevention of disasters, certain of its rules, such as those on ensuring that the basic needs of the population are met, can contribute to mitigating the effects of disasters in these situations. For instance, adherence to IHL by parties to armed conflict, including NSAGs, can reduce harm to the natural and built environment that can, in turn, strengthen the resilience of communities to disasters, a changing climate and environmental degradation, and limit displacement. By prohibiting attacks on agricultural areas and drinking water, as objects indispensable to the survival of the civilian population, IHL protects these resources and contributes to preventing or minimizing displacement that may arise from their destruction.¹⁷ In situations of occupation,¹⁸ according to the context and based on prevailing circumstances, an obligation to take appropriate steps to prevent disasters may be inferred from the overarching obligation to ensure and maintain public order and welfare of civilians under Article 43 of the 1907 Hague Regulations.

Community Preparedness and Protection: Some Observations

Greater attention to the combined impacts of conflict and disaster is critical to building effective preventive strategies. This involves improving the resilience of communities to growing climate risks and disasters, and to protect this capacity in situations of conflict and violence, notably through a community-based approach, that builds on existing coping mechanisms and strategies and pays particular attention to people with specific vulnerabilities that require particular assistance and protection.

¹⁶ Internal Displacement Monitoring Centre. (2019). *Global Report on Internal Displacement 2019*, available at: www.internal-displacement.org/global-report/grid2019.

¹⁷ ICRC. Forthcoming. *2020 Guidelines for the Protection of the Natural Environment in Situations of Armed Conflict*.

¹⁸ Under IHL, occupation is a form of international armed conflict.

Support from other actors: Observations

- ❖ **Understanding the combined impacts of disaster and conflict on displacement:** Humanitarian and civil society organizations need to better understand how disaster, conflict, climate change, and environmental degradation interact and can trigger displacement. This understanding must be contextual, as risks vary from one area to another, and factor in individual characteristics, such as people’s age, gender or capacities. Resources should notably be dedicated to understanding how the transformation of the environment and competition for scarce resources can fuel intercommunal tension and violence, resulting in displacement.¹⁹
- ❖ **Engaging with State authorities:** Humanitarian and development actors can engage in a dialogue with authorities to promote measures to prevent and limit the consequences of combined disasters and climate risks and promote the development and implementation of relevant laws and policies. The importance of respecting IHL, notably with regards to the protection of the natural environment during conflict, should also be emphasized. In areas where conflict or other violence has prevented governments from establishing robust early warning systems for climate and environmental hazards, humanitarian actors and other international organizations could provide support to authorities and communities to increase their capacity to establish such systems.²⁰
- ❖ **Strengthening community resilience:** The ability of communities to adapt to a changing climate and to reduce disaster risks can be strengthened in several ways, including during armed conflict. Communities can be supported to adapt their livelihoods to the changing climate, thereby limiting displacement caused by drought, poor crop yields, or flooding. Humanitarian and development organizations can also help fill information gaps by helping communities develop reliable seasonal crop calendars as climate change disrupts old ones, and by combining local climate data with information from other available models.²¹ Efforts to learn from approaches to prevent displacement induced by conflict or disasters that could help prevent displacement stemming from intersecting risks are also important.

QUESTIONS FOR DISCUSSION

- ❖ Can you name one potential shift in the practice of governments, civil society and/or the international community that would constitute a global “game changer” in terms of preventing displacement?
- ❖ What are the biggest barriers to achieving that shift in practice?
- ❖ How could the HLP make the biggest difference on this issue?

¹⁹ ICRC. Forthcoming. *When Rain Turns to Dust: Understanding and Responding to the Combined Impact of Armed Conflicts and the Climate and Environment Crisis on people’s lives.*

²⁰ *Idem.*

²¹ *Idem.*