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Bridging the Divide
in Approaches to Conflict and Disaster Displacement:

Norms, Institutions and Coordination in Afghanistan, Colombia, the Niger, the Philippines and Somalia

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FOREWORD

In 2019, of the 50 countries with new internal displacements associated with conflict and violence, 45 also recorded new internal displacement associated with disaster. In a time of unprecedented displacement, complexity and interlinkages that too often result in protracted situations, it is essential to strengthen efforts to address risks, protection and durable solutions. Well-conceived and complementary laws and policies, grounded in national and subnational realities provide an authoritative and enabling environment to do so. They set out the rights of IDPs, identity roles and responsibilities of key stakeholders and dictate benchmarks against which progress and accountability is measured. Laws and policies also frame institutional mechanisms and influence their ability to adeptly and effectively prevent, respond to and solve diverse forms of displacement.

In this context, this study explores themes that require deeper understanding and engagement. It seeks to advance discussions and reflection on legal, policy, institutional and coordination approaches to dealing with displacement associated with disasters, conflict and their interplay. It does this by examining instruments and mechanisms on internal displacement, disaster risk reduction, climate change and development in five countries: Afghanistan, Colombia, the Niger, the Philippines and Somalia. In each country, conflicts and disasters occur in distinct areas and overlap geographically, which means IDPs, governments and supporting actors are confronting the dynamic and evolving impacts of the dual challenges. Drawing on desk research and insights from practice, the study provides observations on these complex settings where governments, humanitarian, risk reduction, climate change and development actors must work together to prevent, mitigate, respond to and solve internal displacement. The implications and suggestions contribute to efforts to "bridge the divide" among national and subnational actors and relevant normative frameworks essential for addressing internal displacement.

We hope this joint effort between IOM and UNHCR will be valuable to all stakeholders engaged in the critical task of developing, revising, promoting and implementing legal and policy instruments in countries affected by both conflict and disaster. Refined and complementary laws and policies are a crucial step in the path to achieving better outcomes on internal displacement. The evidence and observations in this study substantiate a range of issues to consider in countries facing conflict, disaster and associated displacement and we expect it to spark further discussion on concrete and context-specific guidance for States and supporting actors.

TABLE OF CONTENTS

OVERVIEW

Introduction

Conflicts and disasters are visible and prominent *triggers* of internal displacement. They compel people to leave their homes and places of habitual residence to avoid harm. The compilation of estimates on internal displacement and disaggregation by conflict and disaster has generated important knowledge on these dynamics. For instance, it is common to compare the scale of new displacement associated with conflict against new displacement associated with disaster and to highlight that most displacement relates to the latter trigger.

These types of messages mask another crucial dimension, however. Many countries are affected by *both* conflict and disaster. In such places, they interact and overlap as triggers and *drivers* of internal displacement. Together they undermine resilience, heighten risks, compound conditions of vulnerability and exacerbate protection needs. The combined effects of conflict and disaster complicate efforts to prevent and mitigate displacement, protect affected and displaced people and promote sustainable solutions to internal displacement.

Of the 50 countries and territories that recorded new internal displacement associated with conflict and violence in 2019, 45 also recorded new internal displacement associated with disasters. Estimates for 2018 and 2017 reveal a comparable picture. This evidence shows that most countries grappling with conflict are also dealing with disasters, and the impacts of these dual challenges on populations, institutions and governance.

In some countries, conflict and disaster occur in geographically distinct locations and people are displaced in the context of only one trigger. In others, conflict and disaster intersect, overlap or recur meaning some people confront these challenges concurrently or episodically. For example, populations displaced by conflict have also faced disasters in places of refuge and experienced secondary displacement. Climate change has the potential to increase the number of people facing these dual challenges.

At a minimum, these observations indicate that countries need instruments, institutions and coordination mechanisms to address displacement associated with each trigger. When conflict, disaster and associated displacement converge, government authorities and supporting actors must also engage in policy and programmatic interventions – on prevention and preparedness, humanitarian and emergency response and sustainable solutions—that accounts for the interplay.

The report builds knowledge on *normative, institutional and coordination* approaches to preventing, addressing and solving internal displacement associated with conflict, disaster and their intersection. It does so by describing frameworks and mechanisms in five case study countries: Afghanistan, Colombia, the Niger, the Philippines and Somalia. Each country has recorded internal displacement associated with both conflicts and disasters and host internally displaced persons (IDPs). Specifically, the report describes:

1. How instruments specific to internal displacement, disaster risk reduction (DRR), climate change and development capture displacement associated with each trigger and driver and any interactions between them.
2. Institutional mechanisms on internal displacement, DRR, climate change and development.
3. Coordination mechanisms particularly between internal displacement and DRR actors.

The *observations and implications* are addressed to a broad audience of policymakers and practitioners working in national, subnational and international settings. This includes government officials, members of parliament and humanitarian, risk reduction, climate change and development actors. The observations and implications aim to foster understanding and reflection on complexities that arise in conflict and disaster settings where such actors must work together to prevent, address and solve internal displacement. The implications also provide helpful insights for actors interested in reducing siloes in policy and practice.

The report was co-commissioned by the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) within the framework of the GP20 (the 20th anniversary of the 1998 Guiding Principles on Internal Displacement) workstream on law and policy and the Global Protection Cluster Task Team on Law and Policy. As such, the five concluding *suggestions* focus on normative frameworks.

Afghanistan, Colombia, the Niger, the Philippines and Somalia were selected as case studies to learn from a range of experiences and approaches. Evidence was gathered between November 2019 and November 2020 through: (1) desk research on applicable national laws and policies and conflict, disaster and displacement dynamics in each country; and (2) remote interviews with approximately 100 individuals from governments, intergovernmental organizations, civil society and other experts who shared their knowledge and perceptions. The case studies were shared with interviewed government officials. IOM, UNHCR, and other experts provided feedback on draft case studies and this report.

This overview first highlights conflict, disaster and displacement in the five case study countries. This is followed by observations on:

1. Conflict, disaster and displacement dynamics;
2. Instruments specific to internal displacement;
3. Instruments on DRR and disaster risk management (DRM);
4. Institutional and coordination mechanisms on internal displacement and DRR and DRM; and
5. Climate change and development instruments.

The observations inform five implications for actors working in countries affected by both conflict and disaster. The final section provides five suggestions for laws, policies and institutional design in contexts where both conflict and disaster drive and trigger displacement.

Conflict, disaster and displacement dynamics

In Afghanistan, Colombia, the Niger, the Philippines and Somalia, conflict and disaster have overlapped geographically and occurred in different locations. In recent history, all five countries have endured conflict and recurrent disasters and recorded annual estimates of new

displacement associated with each trigger. Both conflict and disaster have affected the same people and prompted multiple displacements. These themes are synthesized in table 1 below.

Table 1: Overview of conflict, disaster and displacement dynamics

Country	Conflict dynamics	Disaster dynamics	Interactions
Afghanistan	Conflict and violence have been ongoing for decades. Associated displacement has affected all provinces.	Nearly all provinces have been affected by disasters in the past 30 years. Displacement has occurred in the context of droughts, floods, earthquakes, storms and avalanches.	Conflict and violence have undermined resilience. Both conflict and disaster have overlapped geographically in some provinces. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. first by conflict and then disaster).
Colombia	Conflict and violence have been ongoing for decades. Associated displacement has affected most municipalities.	Some departments have been affected by disasters. Displacement has occurred in the context of floods, landslides, earthquakes, volcanic eruptions and storms.	Conflict and violence have undermined resilience. Conflict and disaster overlap geographically in some departments. Many people have experienced multiple displacements related to conflict. Some people have also experienced secondary displacement related to disasters.
Niger	Conflict and violence have affected the regions of Diffa, Tahoua, Tillabéri and Maradi. Associated displacement has affected these regions.	Recurrent floods have affected areas surrounding rivers. Displacement has occurred in the context of floods. Droughts have also occurred, although associated movements are not conceived as displacement.	Floods occur in conflict-affected regions of Tillabéri and Tahoua, where both triggers displace people. Some people have experienced multiple displacements related to conflict, while both triggers have also displaced others (e.g. first by conflict and then disaster).
Philippines	Conflict and violence have been ongoing for decades in the southern Philippines, particularly in Mindanao. Associated displacement has affected these regions.	Many parts of the Philippines are highly exposed to a range of hazards. Displacement has occurred in the context of typhoons and tropical storms, floods, earthquakes, landslides, tsunamis and volcanic eruptions.	Conflict and violence have undermined resilience, particularly in the southern Philippines, where conflict and disaster have both overlapped geographically. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. first by conflict and then disaster).
Somalia	Conflict and violence have been ongoing for decades in Somalia. Associated displacement has affected many	Somalia has faced recurrent droughts, flooding along the riverbanks of the Juba and Shabelle rivers and storms. Displacement has occurred	Conflict, violence and droughts have undermined resilience, including in southern and central Somalia. Both conflict and disaster have overlapped geographically in

	regions, in particular southern and central Somalia.	in the context of droughts and floods.	some regions. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. floods have displaced people previously displaced by conflict and living on sites).

The evidence and observations discussed in this section are drawn from the case studies and organized under five themes. They are specific to the case study countries and therefore, are not necessarily representative of all countries affected by the incidence or interplay of conflict and disaster. Nonetheless, the evidence and observations *authenticate a spectrum of issues to* consider in countries contending with conflict, disaster and associated displacement, while not purporting to draw generalizable conclusions.

1. Conflict, disaster and displacement dynamics in the five countries

The nature of conflict and disaster, their geographic scope and interactions between them are diverse. This has implications for the scale and dynamics of displacement. In some countries, enduring conflict has affected most locations and undermined people's resilience to new shocks, including hazards. Droughts, floods and other hazards have compounded conditions of vulnerability and created complex multidimensional needs. These dynamics also occur in countries where conflict is geographically concentrated and overlaps with hazards and disasters. In three of the five countries, between 2014-2019, average estimates of new displacement associated with disasters exceeded estimates of new displacement associated with conflict.

Some people have experienced multiple displacements, including due to each trigger. Some people have been displaced multiple times in the context of conflict, while others have been displaced multiple times in the context of disaster. In all five countries people have also been displaced by both triggers, for instance first in the context of conflict, followed by disaster.

Data on displacement associated with conflict is generally more developed than data on displacement associated with disaster. While country-level estimates of displacement associated with disasters are available through global compilations, in many countries, government authorities do not or only collect ad hoc data on displacement associated with disasters. In some countries, only data on disaster-affected populations is collected.

Data on medium- to long-term displacement associated with disasters, including prior experience of conflict and violence, is limited. Global estimates of people who remained displaced in the context of disaster were compiled for the first time in 2019. These figures are acknowledged as an underestimate. Comparable estimates have been collected for conflict and violence for many more years.

Interventions may be affected by views on the salience of particular triggers of displacement, different needs and return options for IDPs associated with conflict compared to IDPs

associated with disasters. In some countries, the concept of displacement and IDPs may be more closely aligned with conflict and violence as compared to disasters.

In places where conflict and disaster intersect or overlap geographically, access to affected and displaced populations may be constrained by conflict, disaster or both. Locations where conflict and disaster interact or overlap geographically present complexities that may not arise in places where the triggers operate in isolation. For example, if disasters occur in locations controlled by non-State armed actors, there may be barriers to access. Insecurity may also prevent people from fleeing into government-controlled areas to access support.

DRR, resilience and solutions programming is challenging in locations affected by conflict and such areas are not necessarily well serviced. Beyond the humanitarian imperative in emergency situations, access and presence are necessary for sustainable interventions on prevention, mitigation, preparedness, early recovery and solutions. In locations where conflict and disaster risks converge, addressing these dimensions may be particularly challenging and interventions may be limited due to concerns associated with threats, security and loss of investment.

Approaches that focus on conditions of vulnerability may offer a helpful analytical frame to account for multiple drivers and triggers of displacement when conflict and disaster affect the same people or areas. In some countries, at least in the past, category or status-based interventions created inequities in eligibility and access to support, including for people affected by multiple drivers and triggers of displacement. Interventions based solely on category or status may be insufficient in contexts where the volatility of conflict and the range and regularity of disasters create dynamic patterns of mobility and magnify conditions of vulnerability.

Disaggregating displacement data solely by trigger, such as conflict or disaster, masks the complex drivers that affect people's resilience, coping capacities and decisions to flee. These drivers may include prior experience of conflict and disaster and interactions between them. In places where conflict and disaster endure and overlap, disaggregating displacement data solely based on the proximate trigger provide incomplete information on conditions of vulnerability and needs. Such data does not comprehensively capture layers of complexity related to different drivers of displacement. For instance, whether people were more vulnerable to disaster-related displacement because their capacity to cope had been weakened by the effects of conflict and violence.

2. Instruments specific to internal displacement

Three of the four countries that have adopted instruments specific to internal displacement include provisions on displacement associated with conflict and disaster. The instruments reinforce the applicability of the normative architecture irrespective of the trigger for displacement. They also include provisions that consider how conflict or disaster situations intersect with specific issues, such as arbitrary displacement. In two countries, the instruments acknowledge interactions between triggers and drivers and their combined effects on people and displacement. Some instruments refer to DRR and DRM concepts, while most discuss the viability of return to areas of origin in the context of hazard exposure and disaster risks.

General impediments to the implementation of instruments specific to internal displacement may affect all IDPs. However, differences in treatment may arise if one trigger receives greater

political, public or media attention. In this context, the development, reform and implementation of laws and policies provide opportunities to address displacement associated with conflict and disaster and their interplay. Courts, human rights institutions, other independent bodies and advocates are important allies for addressing displacement associated with conflict, disaster and their interplay, and for promoting the rights of all IDPs.

3. DRR and DRM instruments

DRR and DRM instruments in the five countries include at least one reference to displacement or displaced persons (or otherwise to relocation and resettlement of people). The scope of engagement varies, however. Some instruments include only limited references to these themes. Others focus largely on specific issues such as evacuation or relocation. One instrument includes a relatively extensive discussion of different dimensions of internal displacement.

Similarly, DRR and DRM instruments include varying references to conflict and interactions between conflict, hazards and disasters. Instruments discuss combined impacts on resilience or tensions over resources. In some countries, conflict and other human-made hazards fall within the scope of DRR and DRM instruments and the cross-cutting nature of conflict is explicitly noted. One instrument discusses the need to mainstream DRR into peace processes, while another identifies the need to strengthen coherence and integration between DRR, conflict and development. Subsidiary documents adopted pursuant to DRR and DRM instruments may include deeper engagement on internal displacement and interactions with conflict.

4. Institutional and coordination mechanisms on internal displacement and DRR and DRM

Most countries have a high-level, interministerial or multi-stakeholder mechanism complemented by a lead actor mandated with responsibilities for internal displacement. Some lead actors are represented at subnational levels. Similar mechanisms exist on DRR and DRM. In some cases, lead actors for internal displacement also have responsibilities for DRR and DRM.

In some countries, instruments specific to internal displacement include explicit references to actors focusing on DRR and DRM and coordination mechanisms between them. DRR and DRM instruments also include explicit references to actors focusing on internal displacement and mechanisms for coordination between them, albeit to a lesser extent.

5. Climate change and development Instruments and coordination mechanisms

Climate change instruments in the five countries do not reference or minimally reference displacement or displaced persons. References to conflict in climate change instruments tend to provide contextual or background information about conflict in the country or emphasize conflicts over resources. Coordination mechanisms between institutions responsible for climate change and institutions responsible for internal displacement appear limited. The institutions responsible for addressing climate change may have relatively stronger coordination arrangements with DRR and DRM institutions.

The development instruments in the five countries reference displacement and displaced persons. The scope of discussion varies. One instrument recognizes IDPs as one of the most vulnerable groups and prioritizes durable solutions as a cross-cutting issue, identifying it as an

overall metric for the success of the instrument. Some references recognize the need to ensure a better future for IDPs and the need to identify solutions through inclusive development. Other instruments discuss the need to reduce conditions of vulnerability and protect the rights and promote the interests of IDPs. Development instruments also discuss conflict and recognize the interactions between conflict and disaster, although not always in depth. One instrument discusses conflict and disaster as key drivers of displacement. In some countries, institutions with responsibilities for development are also included in the interministerial or multi-stakeholder bodies responsible for addressing internal displacement.

Implications for policy and practice in conflict and disaster settings

Drawing on the preceding observations, the following five implications relate to policy and operational environments where conflict and disaster occur in distinct areas and where they converge and interact as drivers and triggers of displacement. These implications may be of interest to a wide range of policymakers and practitioners working in national and subnational contexts. This includes government officials and humanitarian, risk reduction, climate change and development actors. The implications also provide helpful insights for actors interested in reducing sectoral siloes and divides between policy and practice.

1. **A holistic understanding of conditions of vulnerability, exposure and risk at national and subnational levels is important for orienting policy and practice on internal displacement.**

The case studies show that in countries affected by both conflict and disaster, the nature and scope of conflict and violence; the nature and prevalence of hazards and disasters; observed and predicted adverse effects of climate change; population demographics; and the structural and governance factors that underpin displacement are diverse. Conflict and disaster also intersect in different ways to undermine governance and heighten people's exposure, conditions of vulnerability and risks of harm. These dynamics demonstrate the importance of context-specific and holistic understanding of "risk landscapes" across multiple levels. Such efforts may yield insights on factors that influence individual and household decision-making processes to complement sectoral or top-down approaches.

2. **Understanding the multi-causal drivers of displacement, in addition to collecting and disaggregating data on its triggers, is necessary for policy and practice.**

As many case studies demonstrate, the drivers and triggers of displacement are linked. Motivations for movement are interdependent and multi-faceted, even if a proximate event such as a confrontation or a flood is the most visible trigger of flight. Information on the range of factors that drive displacement is not always well understood. For some people, eroded livelihoods associated with persistent insecurity may also influence the decision to flee in the context of drought. For others, motivations to remain in displacement settings may include insecurity in areas of origin despite originally deciding to flee in the context of floods. Overlapping insecurity, hazards and environmental degradation may undermine the livelihoods and traditional practices of nomadic communities. Identifying how to build a picture of the many factors that drive displacement and how such factors may interact is important for programming across the displacement cycle. This type of information may be particularly valuable in complex and protracted situations of displacement.

3. **Assessing and catering for vulnerabilities, needs and rights of IDPs "doubly" affected by conflict and disaster is relevant to risk reduction, emergency response and solutions.**

Countries affected by both conflict and disaster face distinct situations and displacement scenarios. The combination of conflict and disaster generates complexities that may not arise in places where only conflict or disaster prevails independently of the other trigger. For instance, people may be "doubly" affected and displaced by each trigger and their resilience may be eroded in ways that are dissimilar to people repeatedly displaced by disasters or repeatedly displaced by conflict. In each of the five countries, both conflict and disaster have affected people to varying degrees. Some people have also experienced multiple displacements in the context of each trigger. IDPs associated with conflict may experience floods, storms or landslides in settlement areas and face subsequent displacement. Droughts may compound the conditions of vulnerability of IDPs affected by conflict, including compelling further movement. Communities displaced by drought may face insecurity in places of refuge or floods may affect IDPs settlement sites. Assessing the unique predicaments, conditions of vulnerability and needs of IDPs doubly affected may provide valuable insights for tailoring risk reduction, emergency response and solutions interventions. Appreciating these factors early, before displacement becomes protracted, may provide scope to mitigate conditions of vulnerability and leverage risk reduction and humanitarian responses to build a better baseline for sustainable solutions.

4. **Catering for constraints on risk reduction, humanitarian, climate change and development action in conflict and disaster settings is essential to address internal displacement.**

The overlap of conflict and disaster also presents distinct challenges for prevention and mitigation, emergency response and durable solutions, over and above understanding and assessing the vulnerabilities and needs of affected and displaced populations. Access is complicated in the context of conflict, regardless of disasters. However, when disasters occur in pre-existing IDPs sites, locations rendered insecure and volatile by conflict or areas controlled by non-State armed actors, access to populations affected and displaced by disasters may also be compromised. In addition, security conditions or targeted actions of non-State armed actors may prevent populations affected by disasters from fleeing into government-controlled areas to access emergency support. When disasters destroy infrastructure, render roads impassable or make logistical costs prohibitive, IDPs affected by conflict may also become inaccessible. Access constraints are not only relevant to emergency humanitarian responses, however. Risk reduction, resilience-building and solutions programming are arguably at their most challenging in locations where conflict, disaster and climate change converge. In conflict settings, authorities and stakeholders may be preoccupied with other priorities, such as emergency needs and security threats, particularly if funding constraints also dictate the viability and spectrum of possible interventions. Inadequate investment in risk reduction and resilience building may reverberate throughout the displacement cycle and undermine the search for solutions.

5. **Tailoring prevention, mitigation, response and solutions to the context, the predicament of IDPs and the constraints of different settings require cross-sectoral coordination.**

As the preceding discussion has explained, humanitarian, risk reduction, climate change and development actors must understand risks in their totality, assess compounded conditions of vulnerability associated with conflict, disaster and other factors, and cater for constraints on their ability to prevent, address and solve internal displacement. Such analyses provide baseline

information from which to tailor appropriate and feasible interventions across the displacement cycle. The above implications also highlight the importance of multisectoral, coordinated and cohesive action. This may mean that actors experienced in disaster settings must abide by the "do no harm" principle and ensure interventions are conflict-sensitive. These concepts may enjoy some familiarity, particularly among those with experience in conflict settings. However, actors unfamiliar with their intricacies and the demands such principles impose on risk reduction, humanitarian, resilience and solutions interventions will need to build expertise and collaborate with appropriate stakeholders to mitigate and, where possible, deescalate tensions. Moreover, the complexities associated with promoting solutions for protracted IDPs affected by diverse triggers and multiple displacements underlines the importance of viewing prevention as a solution and tailoring approaches that mitigate the likelihood of multiple shocks and minimizes time in displacement.

Suggestions for law and policy

The preceding section discussed implications for a broad set of actors working across the displacement cycle in locations affected by both conflict and disaster. This section provides five suggestions that relate to legal, policy, institutional and coordination frameworks on internal displacement and DRR.

1. **In instruments specific to internal displacement include provisions that raise awareness and facilitate action on displacement associated with conflict, disaster and their interplay.**

The adoption of laws and policies on internal displacement is a primary vehicle to foster awareness of IDPs, their predicaments and applicable rights and duties. Laws and policies also establish governance and coordination mechanisms that facilitate prevention, response and solutions for displacement. Laws and policies are the bedrock on which subsidiary instruments are anchored and on which capacity building, advocacy, monitoring and evaluation is undertaken to promote robust implementation. While States may employ different approaches, ensuring legal or policy instruments on internal displacement include provisions that raise awareness and facilitate action on displacement associated with conflict, disaster and their interplay is essential. This means reviewing how people affected by both conflict and disaster are supported under domestic legal, policy and institutional frameworks and identifying limitations in discharging duties towards all IDPs, including those who are doubly affected. It includes recognizing how DRR and DRM may reinforce efforts to prevent the conditions that lead to displacement, and on the other hand, recognizing displacement as a component of disaster risk.

2. **In DRR and DRM instruments include provisions that raise awareness and facilitate action on displacement associated with multiple triggers and drivers, including conflict.**

Many States continue to adopt, review or revise DRR or DRM instruments. Guidance has been developed to support States to incorporate rights-based human mobility dimensions into such documents. In conflict and disaster settings, the inclusion of displacement and other forms of human mobility should be complemented with provisions that acknowledge and incorporate risks and vulnerabilities arising in the context of conflict. In general, in countries unaffected by conflict, DRR and DRM actors must become proficient in understanding conditions of vulnerability, their link to displacement and the potential role of displacement as a component

of risk. Such actors must understand how displacement relates to disaster risk and how it could be reduced and better managed by addressing different drivers of displacement. In locations where conflict and disaster intersect, risk reduction actors must also understand the role of conflict and violence and how these intersect with displacement and disaster risk. In this context, DRR and DRM instruments could recognize the vulnerability of populations affected and displaced by conflict to hazards and disasters and associated displacement. Raising awareness of the effects of conflict on disaster risks (including displacement) in DRR and DRM instruments and relevant actors may in turn inform and enable subnational operational documents to better capture these dimensions.

3. **When preparing national instruments, convene and draw on cross-sectoral and subnational counterparts to develop participatory frameworks that are applicable to conflict, disaster and composite settings and are adaptable to subnational contexts.**

Implementation happens at the subnational level: it happens on the ground in cities, towns and villages where conflict and disaster occur in different locations or interact with each other. As such, implementation must account for the dynamic, evolving and context-dependent impacts on displaced, host and other affected populations. This makes subnational authorities critical for implementing national and subnational instruments on internal displacement, DRR and DRM. Subnational actors often have the closest p connection to IDPs. They have better opportunities to gather data on needs, vulnerabilities, exposure and multiple displacements by facilitating IDPs participation. Subnational authorities may also have deeper insights on conflict-sensitivities and disaster risks in their areas of operation. To ensure national laws and policies account for different subnational contexts and can be implemented in a range of settings, subnational situations must inform their development. There must be a strong bottom-up emphasis in formulating normative instruments, incorporating evidence from the ground and mitigating any disconnect between the national and subnational levels. Local authorities responsible for internal displacement, DRR and DRM (and development and climate action) should be fully engaged in national policy development processes. This is essential to identify grounded realities, generate buy-in, promote legitimacy and create the building blocks, relationships and capacities needed to facilitate implementation.

Multisectoral engagement is also necessary for similar reasons, particularly if the authorities responsible for addressing internal displacement are different from those responsible for DRR and DRM or are yet to be identified. Bringing together national and subnational internal displacement, DRR and DRM actors to involve them integrally in policy formulation processes may mitigate the development of narrowly conceived and sector-specific top-down frameworks that may subsequently become harder to sensitize and implement across sectors and subnationally. Bridging divides early by inviting cross-sectoral and subnational actors to participate in policy formulation on internal displacement, DRR and DRM has the potential to create frameworks that incorporate targeted and sector-relevant provisions and language that are applicable in national and subnational contexts. Such actions may promote coherence, raise awareness, build relationships (including between technical and coordinating bodies) and facilitate implementation, creating opportunities to close gaps between policy and practice. National instruments also provide the overarching normative framework upon which subnational instruments and subsidiary documents (including operational plans) are developed. Creating the necessary hooks for a cohesive multi-level, cross-sectoral framework may offer

opportunities to develop similarly cohesive subnational and subsidiary instruments and address risks more holistically.

4. **Address policy and implementation gaps on misunderstood or lesser-known situations of displacement enlisting displaced persons, advocates, independent bodies and courts.**

In some countries, conflict-related displacement or disaster-related displacement may be better understood and more robustly addressed than the other. The reasons for differentiation may relate to the scale of displacement associated with particular triggers, political sensitivities and priorities, emphasis in data collection and the scope or implementation of normative frameworks. In such situations, it is important to consider if sufficient attention is paid to each driver and trigger and identify approaches to promote change. Acknowledging internal displacement and generating awareness is vital for addressing it. Changes in how the phenomenon is understood can contribute to shifts in policy and practice. While valid reasons may exist for differentiating between triggers of displacement, perceptions of the phenomena and (unconscious) biases can also affect prioritization and undermine resource allocation, thus affecting the implementation of legal and policy instruments and potentially leading to adverse consequences for some IDPs. In this respect, courts and other independent bodies, such as human rights commissions and ombudsperson's offices, have tools to support efforts to close gaps in legal and policy frameworks and implementation. Along with IDPs and civil society advocates, they should be partners in any coalitions to improve the situations of IDPs that are misunderstood or less well known.

5. **Develop institutional and coordination mechanisms that facilitate effective and timely coordination on displacement associated with disaster and conflict and their interplay.**

Providing guidelines on how countries with vastly different histories, political and governance systems, demographic compositions and economic capacities should develop institutional and coordination mechanisms to address displacement is complex, since individual approaches are highly dependent on the context. Previous guidance has identified approaches to institutional mechanisms to address internal displacement. This research has provided insights into the models implemented by some States grappling with conflict, disaster and associated displacement. The knowledge gained from the case studies provides opportunities to reflect on how to design institutions and frameworks that facilitate coordination on displacement related to conflict and disaster, including where such drivers and triggers overlap geographically. In this respect, the report has highlighted questions that reflect relevant points for consideration.

Conclusion

Since the endorsement of the 1998 Guiding Principles on Internal Displacement, significant efforts have been undertaken to promote the development and implementation of domestic legal, policy and institutional frameworks to address internal displacement. These have included the adoption of regional agreements, the publication of standards and tools to guide authorities, parliamentarians and other actors and capacity-building and technical support.

While some countries have adopted laws or policies on internal displacement, significant gaps also remain. Internal displacement is prevalent across the globe, well beyond the States that have shown the political will to adopt a normative framework. For instance, in 2019, new

displacement associated with conflict and violence occurred in 50 countries, while new displacement associated with disaster occurred in over 140 countries. In 45 of these countries, new displacement associated with both conflict and disaster was recorded. These statistics foreshadow the task ahead for actors engaged on promoting domestic frameworks on internal displacement, recognizing that laws and policies are only one crucial step on the path to achieving better outcomes on internal displacement.

Notably, this report demonstrates that most countries grappling with conflict are also dealing with disasters, including the impacts of these dual challenges on populations, displacement, institutions and governance. In some countries, conflict and disaster occur in different geographic locations, while in others conflict and disaster interact or overlap and the same populations confront these challenges concurrently or episodically. Intersecting, overlapping or recurrent conflict and disaster undermine resilience and heighten protection needs. Such settings present unique challenges and constraints. To build knowledge on these themes, and to *authenticate a spectrum of issues to consider*, this report has examined the legal, policy, institutional and coordination frameworks on internal displacement, DRR, climate change and development in Afghanistan, Colombia, the Niger, the Philippines and Somalia. The report provides evidence on how normative and operational mechanisms in the five countries address displacement associated with the dual challenges of conflict and disaster. It also offers observations, implications and suggestions for reflection that may inform efforts to address displacement in such settings. Ultimately, harmonized and complementary instruments and well-coordinated institutions and processes are essential for creating an enabling environment to protect IDPs and solve internal displacement.

ACRONYMS

ANDMA: Afghanistan National Disaster Management Authority (Afghanistan)

DRM: Disaster Risk Management

DRR: Disaster Risk Reduction

ICRC: International Committee of the Red Cross

IDMC: Internal Displacement Monitoring Centre

IDPs: Internally Displaced Persons

INDC: Intended Nationally Determined Contributions

IOM: International Organization for Migration

MoHADM: Ministry of Humanitarian Affairs and Disaster Management (Somalia)

MOPIED: Ministry of Planning, Investment and Economic Development (Somalia)

MoRR: Ministry of Refugees and Repatriation (Afghanistan)

NAP: National Adaptation Plans

NAPA: National Adaptation Programmes of Action

NDMC: National Disaster Management Council (Somalia)

OCHA: United Nations Office for the Coordination of Humanitarian Affairs

ODI: Overseas Development Institute

UNFCCC: United Nations Framework Convention on Climate Change

UNHCR: United Nations High Commissioner for Refugees

TERMINOLOGY AND CONCEPTS

Cause: Used when others have employed it to suggest a direct causal link between conflict and displacement or disaster and displacement. This report recognizes displacement as multi-causal.

Climate change: Human activity has contributed to the warming of the earth's climate system and led to unprecedented changes. Climate change means a change of climate, which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.[1] In its assessments, the Intergovernmental Panel on Climate Change has explained many of the adverse effects of climate change, which may vary across regions, countries and subnational locations. There is high agreement among scientists that the effects of climate change, in combination with other factors, will increase the displacement of people.[2]

Conflict and violence: The term conflict and the term violence are used to capture situations that fall within definitions established by international humanitarian law but are not limited to such situations.[3] For instance, the term conflict includes situations that may amount to an international or non-international armed conflict under international humanitarian law. The terms also cover internal disturbances, tensions, riots, isolated and sporadic acts of violence, and other acts of a similar nature, as well as crime, inter-communal conflicts and cattle rustling. The report uses internal displacement estimates compiled by the Internal Displacement Monitoring Centre, which means the terms also encompass situations it has defined as constituting conflict or violence for the purposes of data collection and disaggregation. Notably, throughout the report, conflict is used as shorthand to refer to displacement associated with conflict and violence. The terms conflict and violence and conflict are used interchangeably.

Disaster: A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.[4] Disasters occur when people in conditions of vulnerability are exposed to hazards and

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[1] "United Nations Framework Convention on Climate Change", Article 1(2). Available from unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (accessed 15 March 2021).

[2] See reports available from the Intergovernmental Panel on Climate Change (IPCC), including "AR5 Synthesis Report: Climate Change 2014" (IPCC, 2014). Available from www.ipcc.ch/report/ar5/syr/ (accessed 15 March 2021); "AR5 Climate Change 2014: Impacts, Adaptation, and Vulnerability" (IPCC, 2014). Available from www.ipcc.ch/report/ar5/wg2/ (accessed 15 March 2021).

[3] For relevant definitions under international humanitarian law, see Common Article 2(1) and Common Article 3 of the 1949 Geneva Conventions, including the "Geneva Convention Relative to the Protection of Civilian Persons in Time of War" (12 August 1949, 75 UNTS 287). Available from www.refworld.org/docid/3ae6b36d2.html (accessed 15 March 2021); Article 1(4) of the "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)" (8 June 1977, 1125 UNTS 3). Available from www.refworld.org/docid/3ae6b36b4.html (accessed 15 March 2021); Article 1 of the "Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)" (8 June 1977, 1125 UNTS 609). Available from www.refworld.org/docid/3ae6b37f40.html (accessed 15 March 2021). See also, "How is the Term 'Armed Conflict' Defined in International Humanitarian Law?" (International Committee of the Red Cross [ICRC], March 2008). Available from www.refworld.org/docid/47e24eda2.html (accessed 15 March 2021).

[4] "Hazard Definition and Classification Review", annex 3 (United Nations Office for Disaster Risk Reduction [UNDRR] International Science Council, 2020). Available from www.undrr.org/publication/hazard-definition-and-classification-review (accessed 15 March 2021).

do not have the adaptive capacity to cope. As such, disasters are not natural. Hazards that trigger disasters include storms, floods and drought. Some hazards occur relatively quickly while others progress more gradually. Disasters can be linked to sudden- or slow-onset hazards. The adverse effects of climate change may heighten the frequency and intensity of hazards.[5] The adverse effects of climate change also affect exposure and conditions of vulnerability. As noted, this report uses internal displacement estimates compiled by the Internal Displacement Monitoring Centre, which means that the term disaster also encompasses situations it has defined as constituting disaster for the purposes of data collection and disaggregation.

Displacement: Unless otherwise noted, all references to displacement are to internal displacement. Displacement and internal displacement are used interchangeably. Displacement data compiled by the Internal Displacement Monitoring Centre includes evacuations. See also internally displaced persons.

Driver: Refers to the underlying multi-causal factors – whether political, demographic, economic, social or environmental – that contribute to displacement. It is not used to refer to the most proximate or visible trigger of displacement. See also trigger.

Environmental degradation: Refers to a process through which the natural environment is compromised in some way, reducing biological diversity and the general health of the environment. The process can be entirely natural in origin or it can be accelerated or caused by human activities.[6]

Exposure: Refers to the situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas.[7]

Hazard: Is a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation. Hazards may be natural, anthropogenic or socio-natural in origin. Hazards include hydrometeorological hazards, such as tropical cyclones (also known as typhoons and hurricanes), floods and drought, and geological or geophysical hazards, such as earthquakes, volcanic activity and landslides. Hydrometeorological factors may contribute to geological or geophysical hazards such as landslides. Hazards may be single, sequential or combined in their origin and effects.[8] Hazards that are sometimes referred to as "natural" may in fact be socio-natural, meaning they are associated with a combination of natural and anthropogenic factors, including environmental degradation and climate change.[9]

Internally displaced persons (IDPs): Refers to persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence,

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[5] See footnote 2.
[6] "Environmental degradation" in the "General Multilingual Environmental Thesaurus" (European Environment Agency, 2021) www.eionet.europa.eu/gemet/en/concept/15154 (accessed 15 March 2021).
[7] See footnote 4.
[8] Ibid. This source also explains that multi-hazard means (1) the selection of multiple major hazards that the country faces and (2) the specific contexts where hazardous events may occur simultaneously, cascading or cumulatively over time and taking into account the potential interrelated effects.
[9] Ibid.

violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.[10]

Protracted displacement: Conceptions of protracted displacement vary and should also depend on the perceptions of IDPs who experience the condition. In this report, it is used to encompass situations "where the process towards durable solutions is stalled, as IDPs are prevented from reducing, or are unable to progressively reduce, their displacement-induced vulnerabilities, impoverishment and marginalization."[11]

Risk: Is considered a function of the likelihood of being exposed to a harmful event(s) or phenomena and the potential severity of impact(s).[12]

Trigger: Refers to the most proximate or visible event compelling people to flee or leave their homes or places of habitual residence. This report focuses on conflict and disaster as key triggers of internal displacement, recognizing that the drivers underpinning displacement are multiple and also include conflict and disaster. See also driver.

Violence: See conflict and violence.

Vulnerability: This term is generally understood as the conditions determined by physical, social, economic and environmental factors or processes that increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards.[13] In this report, political factors or processes including those arising in the context of conflict and violence are also relevant for understanding the susceptibility of an individual, a community, assets or systems to the impacts of hazards, conflict and violence and other shocks.

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[10] "Guiding Principles on Internal Displacement" (United Nations, 1998). Available from www.undocs.org/E/CN.4/1998/53/Add.2 (accessed 15 March 2021).
[11] "Breaking the Impasse: Reducing Protracted Internal Displacement as a Collective Outcome" (Walter Kälin and Hannah Entwisle Chapuisat, 2017), p. 11. Available from www.unocha.org/sites/unocha/files/Breaking-the-impasse_0.pdf (accessed 15 March 2021).
[12] For example, see "Risk Assessment" in "Humanitarian Keywords" (Brill, n.d.). Available from www.brill.com/view/book/edcoll/9789004431140/BP000084.xml (accessed 15 March 2021).
[13] See footnote 4.

I INTRODUCTION

1.1 Background

Conflicts and disasters are visible and prominent *triggers* of internal displacement. They compel people to leave their homes and places of habitual residence to avoid harm. The compilation of estimates on internal displacement and disaggregation by conflict and disaster has generated important knowledge on these dynamics. For instance, it is common to compare the scale of new displacement associated with conflict against new displacement associated with disaster and to highlight that most displacement relates to the latter trigger. For example, when discussing the 33.4 million new displacements in 2019, there is a tendency to emphasize that two-thirds were associated with disasters.[14]

These types of messages mask another crucial dimension, however. Many countries are affected by *both* conflict and disaster. In such places, they interact and overlap as triggers and *drivers* of internal displacement. Together they undermine resilience, heighten risks, compound conditions of vulnerability and exacerbate protection needs. The combined effects of conflict and disaster complicate efforts to prevent and mitigate displacement, protect affected and displaced people and promote sustainable solutions to internal displacement.

In 2019, of the 50 countries and territories with new internal displacement associated with conflict and violence, 45 also recorded new internal displacement associated with disasters.[15] In virtually every country where conflict and violence compelled internal flight, so too did disaster. The situation is similar for the previous year: of the 42 countries and territories with new internal displacements associated with conflict and violence in 2018, 37 also recorded new internal displacement associated with disasters.[16] A review of estimates for 2017 presents a comparable picture.[17]

The fact that nearly *all* countries or territories that experienced new conflict-related internal displacement in 2019 and 2018 *also* experienced new disaster-related internal displacement is significant. It shows that countries grappling with conflict are simultaneously dealing with disasters and the impacts of these dual challenges on populations, institutions and governance.

In some countries, conflict and disaster occur in geographically distinct locations and people are displaced in the context of only one trigger. In others, conflict and disaster intersect, overlap or recur meaning some people confront these challenges concurrently or episodically. For

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[14] "Global Report on Internal Displacement 2020" (Internal Displacement Monitoring Centre [IDMC], 2020). Available from www.internal-displacement.org/global-report/grid2020/ (accessed 15 March 2021).
[15] Annex 1 contains a list of the 45 countries or territories, together with the scale of new internal displacement associated with conflict and violence and the scale of new internal displacement associated with disasters. The other five countries with new internal displacement associated *only* with conflict and violence were Burkina Faso, Egypt, Kyrgyzstan, Togo and Ukraine. See "Global Internal Displacement Database" (IDMC, n.d.). Available from www.internal-displacement.org/database/displacement-data (accessed 28 February 2021).
[16] Ibid. Again only five countries or territories recorded new internal displacement associated *only* with conflict and violence: Cameroon, Libya, Palestinian Territories , Sierra Leone and Ukraine.
[17] Ibid. In 2017, 32 countries or territories recorded new internal displacement associated with conflict and violence *and* new internal displacement associated with disasters. The same year, eight other countries or territories recorded new internal displacement associated *only* with conflict and violence: Cameroon, Chad, Congo, Côte d'Ivoire, Egypt, Lebanon, Libya and Ukraine.

example, populations displaced by conflict have also faced disasters in places of refuge and experienced secondary displacement. Climate change has the potential to increase the number of people facing these dual challenges.

At a minimum, these observations indicate countries need instruments, institutions and coordination mechanisms to address displacement associated with each trigger. When conflict, disaster and associated displacement converge, government authorities and supporting actors must also engage in policy and programmatic interventions – on prevention and preparedness, humanitarian and emergency response and sustainable solutions—that accounts for the interplay.

Global and regional normative instruments on internal displacement have acknowledged the importance of addressing displacement associated with conflict, violence and disasters.[18] There is also growing recognition of the overlap between conflict, disasters and displacement within the research community. For example, in 2020, the Internal Displacement Monitoring Centre (IDMC) produced an Internal Displacement Index, which invites in-depth, context-specific assessments of country situations and raises the need to address displacement through comprehensive investment in policy and development.[19] The first edition focuses on the 46 countries affected by both conflict-related and disaster-related displacement in 2018.[20]

Also in 2020, a report by the International Committee of the Red Cross (ICRC) synthesized insights on the combined impacts of conflict, climate risks and environmental degradation on people's lives.[21] The ICRC report illustrates why people affected by conflict are among those most vulnerable to the climate crisis.[22] Populations living in conflict settings, including displaced persons, have experienced high levels of vulnerability from insecurity, livelihood loss and inadequate access to essential services. Conflict and insecurity limit people's resilience and adaptive capacity to new shocks. Enduring conflict also undermines the adaptive and response capacity of institutions to address people's needs. Of the 20 countries considered most

[18] See footnote 10; "African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)" (African Union, 2009). Available from www.refworld.org/docid/4ae572d82.html (accessed 15 March 2021); "African Union Model Law on the Implementation of the Kampala Convention" (African Union, 2018). Available from www.refworld.org/docid/5afc3a494.html (accessed 15 March 2021). See also "Guiding Principles on Internal Displacement: Annotations" (Walter Kälin, 2008). Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/protection_of_idps/Kailin_Annotations-EN.pdf (accessed 15 March 2021).

[19] "Internal Displacement Index 2020 Report" (IDMC, 2020), p. 6. Available from www.internal-displacement.org/publications/internal-displacement-index-2020-report (accessed 15 March 2021).

[20] Ibid, p. 7. An update is expected to be published in 2021. For the purposes of this estimate, IDMC included all countries and territories that had experienced new displacement associated with disasters and new displacement associated with conflict, as well as countries or territories that had experienced new displacement associated with disasters and also hosted populations who were displaced in previous years in the context of conflict. Correspondence on file with the author.

[21] "When Rain Turns to Dust" (ICRC, 2020). Available from www.icrc.org/en/publication/4487-when-rain-turns-dust (accessed 15 March 2021). See also "Come Heat or High Water: Tackling the Humanitarian Impacts of the Climate Crisis Together" (IFRC, 2020). Available from media.ifrc.org/ifrc/world-disaster-report-2020/ (accessed 15 March 2021); "Overlapping Vulnerabilities: The Impacts of Climate Change on Humanitarian Needs" (Norwegian Red Cross, 2019). Available from reliefweb.int/report/world/overlapping-vulnerabilities-impacts-climate-change-humanitarian-needs (accessed 15 March 2021).

[22] Ibid. "When Rain Turns to Dust" explains the climate crisis as the "enhanced vulnerability of people due to the increasing severity of the effects of climate change" (p. 6).

vulnerable to climate change, 12 are also sites of conflict.[23] However, the ICRC research underscores the fact that people affected by conflict are among those most neglected by climate action. Key messages include a call to build skills to adequately address the vulnerabilities and needs arising from the interaction of conflict and climate risks, to team up across sectors and to anticipate risks and strengthen the resilience of populations.

In addition, the Overseas Development Institute (ODI) has stressed the importance of prioritizing disaster risk reduction (DRR) in conflict settings, asserting the need to identify viable options that account for the multi-faceted manifestations of conflict and violence and their intersection with disasters.[24] ODI's call to challenge assumptions and better understand the "relationship between hazards, vulnerability, exposure and typologies of conflict" encourages the reorientation of policy and programming on their complex interplay to ensure people in fragile contexts are not left behind.[25]

1.2 Scope and objectives

This report builds knowledge on *normative, institutional and coordination* approaches to preventing, addressing and solving internal displacement associated with conflict, disaster and their interplay. It does so by describing frameworks and mechanisms in five case study countries: Afghanistan, Colombia, the Niger, the Philippines and Somalia. In these countries, conflict and disaster have occurred in distinct locations *and* overlapped geographically. Enduring conflict and violence and recurrent disasters have also transpired. Each country has recorded internal displacement associated with both conflicts and disasters and host internally displaced persons (IDPs). Specifically, the report describes:

1. How national laws and policies specific to internal displacement, disaster risk reduction (DRR), climate change and development capture displacement associated with each trigger and driver and any interactions between them.
2. Institutional mechanisms on internal displacement, DRR, climate change and development.
3. Coordination mechanisms particularly between internal displacement and DRR actors.

Laws and policies are an important reflection of national responsibility.[26] They provide an overarching and credible framework for action, set out rights and obligations, and identify standards against which progress and accountability can be measured and evaluated. National laws and policies can create a foundation for effective cooperation and coordination between

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[23] Ibid. These include Somalia, Niger and Afghanistan. See "ND-Gain Country Index" (University of Notre Dame, 2018). Available from www.gain.nd.edu/our-work/country-index/rankings/ (accessed 31 March 2021). As noted earlier, the IPCC has recognized that climate change increases the frequency and intensity of climate-related hazards. Together with exposure, hazards and vulnerability are key components of disasters.

[24] See the reports available at "When Disasters and Conflict Collide: Uncovering the Truth" (ODI, 2019). Available from www.odi.org/projects/2913-when-disasters-and-conflict-collide-uncovering-truth (accessed 15 March 2021).

[25] Ibid.

[26] For example, see Protecting Internally Displaced Persons: A Manual for Law and Policymakers" (The Brookings Institution, 2008). Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/Internal%20Displacement/manual-for-law-and-policymakrs_internal_displacement.en.pdf (accessed 15 March 2021); "National Instruments on Internal Displacement: A Guide to Their Development" (IDMC, Norwegian Refugee Council, Brookings–LSE Project on Internal Displacement, 2013). Available from www.globalprotectioncluster.org/_assets/files/tools_and_guidance/Internal%20Displacement/Brookings_National_Instruments_IntDisplacement_2013_EN.pdf (accessed 15 March 2021).

relevant actors. If complemented by institutions with sufficient resources and tasked with well-conceived and cohesive responsibilities, laws and policies can establish an enabling environment to promote change and better outcomes. Laws and policies also provide the basis for subsidiary instruments, including operational and action plans, and the framework against which subnational instruments must be developed or harmonized.

In this context, the report offers insights for stakeholders engaged in developing, revising or implementing legal and policy instruments in countries affected by both conflict and disaster, and associated displacement. The focus is on internal displacement and DRR instruments and mechanisms. As such, the primary audience includes policymakers and humanitarian and risk reduction actors at national and subnational levels involved in these spheres. Within this report, such actors will find insights on how internal displacement instruments and related institutional and coordination mechanisms address both conflict-related and disaster-related internal displacement and reference DRR. In addition, the report includes a discussion on how DRR and disaster risk management (DRM) instruments and associated institutional and coordination mechanisms approach internal displacement and conflict. The report also briefly examines how development and climate change instruments consider internal displacement associated with disasters and conflict and their interplay. As such, actors engaged on the intersection of internal displacement and resilience, development or climate change action may also find this research informative.

Overall, the report offers insights to inform prevention, response and solutions for internal displacement in complex situations shaped by the geographically distinct incidence of conflict and disaster and their overlap and interplay. The observations and implications may also be helpful for bridging policy, programmatic and coordination divides between protection actors focused on internal displacement and risk reduction actors involved in mitigating disaster risks and building resilience. More generally, the report highlights a number of themes that may benefit from further research, conceptual discussions and operational understanding. The specific themes discussed in this report complement preceding research, which has explored the interplay and convergence of conflict, hazards, disasters and climate change, demonstrated impacts on people, institutions and governance and identified strategies and priorities.[27]

1.3 Report structure

This report on Bridging the Divide in Approaches to Conflict and Disaster Displacement contains seven sections. Section II discusses the methodology and limitations. Section III provides an overview of conflict, disaster and displacement dynamics in Afghanistan, Colombia, the Niger, the Philippines and Somalia. Section IV offers a series of observations on five themes: (1) conflict, disaster and displacement dynamics; (2) laws and policies specific to internal displacement; (3) laws and policies on DRR and DRM; (4) institutional and coordination mechanisms applicable to internal displacement, DRR and DRM; and (5) instruments and mechanisms on climate change and development. Drawing on the evidence and observations, section V highlights five implications for a broad range of actors operating in conflict and

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[27] In addition to the studies noted in the preceding section and related footnotes, see also "In Harm's Way: International protection in the context of nexus dynamics between conflict or violence and disaster or climate change" (Sanjula Weerasinghe, 2018). Available from www.refworld.org/docid/5c2f54fe4.html (accessed 15 March 2021). This report examines the application of refugee law to populations who had fled across international borders in the context of conflict and disasters.

disaster settings. Section VI provides five suggestions focused on law and policy. The final section contains brief concluding remarks.

The evidence and observations discussed in sections III and IV synthesize material from case studies on Afghanistan, Colombia, the Niger, the Philippines and Somalia, included as annexes to this report. Accordingly, the two sections reflect a snapshot of a more detailed discussion. Each annex contains five substantive sections that discuss (1) conflict, disaster and displacement dynamics; (2) laws and policies specific to internal displacement; (3) DRR, DRM, climate change and development instruments; (4) institutional and coordination mechanisms; and (5) practice-based insights from informant interviews. Interested readers may wish to refer to the annexes for more detailed and country-specific analyses of these themes.[28]

II METHODS AND LIMITATIONS

2.1 Country selection, focus on conflict and disaster and data

Afghanistan, Colombia, the Niger, the Philippines and Somalia were selected for this report from a shortlist of countries that had recorded new internal displacement associated with both conflict and disaster during four of the five years between 2014 and 2018.[29] Other selection criteria included the scale of displacement associated with each trigger during that period, different normative approaches for internal displacement or DRR and DRM, and geographic balance.

This report focuses on conflict and violence, and disasters associated with natural hazards, as key *triggers* of internal displacement. The emphasis on examining displacement triggered by conflict and disaster has limitations in a context where risks might be better understood in totality.[30] However, the incidence and overlap of conflict and disaster could be considered as "normal" for many countries, particularly given the evidence presented earlier. Understanding and addressing this connection is a first step to building approaches that address risks more comprehensively and holistically. Moreover, the focus on conflict and disaster as key *triggers* of displacement does not detract from the fact that displacement is multi-causal, influenced by a range of underlying *drivers*.[31] Nor does it preclude appreciation of the adverse effects of climate change on hazards, conflict dynamics or environmental degradation.[32]

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[28] The case studies themselves do not purport to be a comprehensive analysis. Indeed, by their nature the case studies are somewhat reductionist. The information gathered has been constrained by the availability of documents, language barriers, the availability of and access to informants and time.

[29] Analysis based on data from the "Global Internal Displacement Database" (see footnote 15).

[30] As noted in the preceding discussion, this report recognizes that displacement is *multi-causal* and that a range of *drivers* associated with political, economic, social, demographic and environmental factors underpin decisions on movements. For instance, such drivers may relate to the economic, social or environmental consequences and adverse impacts of enduring conflict; recurrent hazards or disasters; and changes in the climate. Conflict and disaster are also considered as *triggers* of displacement, meaning that they can often embody the most proximate or visible "event" that compels people to flee. Other notable triggers of internal displacement may include development projects, biological hazards such as pandemics, technological hazards such as nuclear accidents and a broader range of human rights violations that may not be captured under the broad description of conflict and violence.

[31] Ibid.

[32] For example, see footnotes 2 and 21.

The focus on conflict and disaster as key triggers of displacement was also influenced by the fact that "comparable" country-level estimates are available.[33] IDMC has compiled annual country-specific and global estimates of internal displacement associated with each trigger for many years. These estimates synthesize and triangulate information from a range of sources.[34] The availability of annual estimates provides an overall sense of the scale of internal displacement associated with conflict and with disaster in each of the case study countries.[35] Accordingly, and unless otherwise noted, this report relies exclusively on IDMC data for estimates of internal displacement. IDMC explains limitations on the accuracy of estimates, which varies across countries, meaning estimates of internal displacement may be more robust in some countries than in others. Moreover, the compilation of estimates of new displacement associated with disasters began just over a decade ago, whereas figures for conflict have been produced for much longer. Estimates of displacement associated with disasters are also limited to sudden-onset hazards, such as storms, floods, wildfires and landslides. More recently, IDMC estimates have captured displacement associated with droughts in some countries, including Afghanistan and Somalia. However, in general, there are still no comprehensive estimates of displacement associated with drought and slow-onset phenomena. IDMC also acknowledges that in some countries the drivers and triggers of internal displacement are interrelated and intertwined and notes the complexity of disaggregating displacement estimates by triggers.

Finally, 2019 was the first time IDMC published estimates of people who remained displaced in the context of disasters at the end of the year.[36] While these "stock" estimates for 2019 include figures for the case study countries, IDMC explains they may reflect significant underestimates. As such, they are not included in this report. In contrast, stock estimates of people who remained displaced in the context of conflict and violence have been compiled for many years and therefore they are included in this report.

2.2 Desk review and identification of legal and policy instruments

The evidence presented in the case study annexes and in this synthesis report was gathered in two phases: The first phase involved desk research on: (1) applicable *national* laws and policies in the case study countries; and (2) scholarly and grey literature that discussed such frameworks, as well as conflict, disaster and displacement dynamics. The identification of internal displacement laws and policies involved a search of the Global Protection Cluster database on IDP laws and policies during late 2019 and interviews with experts, including those focused on or based in the case study countries.[37] The identification of DRR or DRM laws and policies involved a search of the dataset of DRR strategies and related instruments created as part of a report published by the Platform on Disaster Displacement, a search of the Climate Change Laws of the World database and discussions with experts, including those focused on or

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[33] See footnote 29.

[34] This includes data collected by government authorities, the International Organization for Migration (IOM) Displacement Tracking Matrix (https://displacement.iom.int/), the United Nations High Commissioner for Refugees (UNHCR), United Nations Office for the Coordination of Humanitarian Affairs OCHA and other actors. For more information on the IDMC methodology for compiling estimates, including related caveats and limitations, see "Global Internal Displacement Database: Methodology" (IDMC, n.d.). Available from www.internal-displacement.org/database/methodology (accessed 15 March 2021).

[35] IDMC also provides country-specific information on limitations and caveats associated with its data.

[36] See footnote 14.

[37] "Global Database on IDP Laws and Policies" (Global Protection Cluster, 2021). Available from www.globalprotectioncluster.org/global-database-on-idp-laws-and-policies/ (accessed 15 March 2021).

based in the case study countries.[38] Finally, the identification of instruments related to climate change was based on a search of the Climate Change Laws of the World database,[39] discussions with experts and a review of the United Nations Framework Convention on Climate Change (UNFCCC) repositories hosting national adaptation plans (NAPs),[40] national adaptation programmes of action (NAPAs),[41] and intended nationally determined contributions (INDCs).[42] Development frameworks were identified through desk research and discussions with experts.

In general, the most relevant and applicable national legal or policy instruments on internal displacement, DRR and DRM, climate change and development were reviewed and analysed.[43] For some countries, the review was limited by the lack of official translations and access to documents.[44] Laws and policies were also distinguished from subsidiary instruments. With respect to policies, only instruments that included the term "policy" in the title and/or established an overarching normative framework were reviewed. For this report, operational documents and action plans were deemed not to fall within the policy category.[45]

The analysis of laws and policies specific to internal displacement involved a review of each instrument with a view to identifying provisions that discussed conflict-related and disaster-related displacement and notable distinctions between them. However, this review did not involve a systematic evaluation of each instrument against global standards, model frameworks or guidance; such an analysis was beyond the objectives and scope of this report.[46] The review of DRR, DRM and climate change and development instruments was based on a search for key terms within each instrument, which included those applicable to internal displacement and conflict.[47] DRR and DRM instruments were reviewed in more depth than climate change and development instruments to understand overall scope and application and the extent to which

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[38] "Mapping the Baseline" (Michelle Yonetani, 2018). Available from disasterdisplacement.org/portfolio-item/drrmapping (accessed 15 March 2021). Associated dataset dated July 2018 on file with the author. "Climate Change Laws of the World" (Grantham Research Institute on Climate Change and the Environment, n.d.). Available from www.climate-laws.org/ (accessed 15 March 2021). Only instruments that specifically mentioned "disaster risk reduction" or "disaster risk management" were reviewed.

[39] Ibid. Only instruments that specifically mentioned "climate change" were reviewed.

[40] "United Nations Framework Convention on Climate Change NAP Central" (United Nations Framework Convention on Climate Change [UNFCCC], n.d.). Available from www4.unfccc.int/sites/napc/Pages/Home.aspx (accessed 15 March 2021). NAPs are instruments that set out State commitments on climate change adaptation.

[41] "National Adaptation Programmes of Action" (UNFCCC, 2021). Available from unfccc.int/topics/resilience/workstreams/national-adaptation-programmes-of-action/introduction (accessed 15 March 2021). NAPAs set out States priorities on adaptation as reflected in the form of projects to be funded.

[42] "INDCs as Communicated by Parties" (UNFCCC, n.d.) Available from www4.unfccc.int/sites/submissions/indc/Submission%20Pages/submissions.aspx (accessed 15 March 2021). INDCs can considered as reflecting State commitments on climate change mitigation, among other things. Following ratification of the Paris Agreement by a State, INDCs are converted to National Determined Contributions or NDCs. For more information, see https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs (accessed 15 March 2021).

[43] While this report focused on national instruments, its important to recognise that subnational legal and policy instruments on the relevant themes were also available in some of the case study countries.

[44] Limitations in access to documents, including official translations, are discussed in the case studies and annexes.

[45] While this distinction could be regarded as somewhat "artificial", it was necessary to circumscribe the research. Some operational instruments and actions plans are discussed in the "insights from practice" sections in the annexes.

[46] On relevant global standards, see, for example, footnotes 18 and 26.

[47] The search terms included displacement, displace, internally displaced person, IDP, evacuation, evacuate, mobility, migrate, migration, migrant, settlement, resettle, resettlement, relocate, relocation and conflict.

they engaged with and considered displacement, conflict and their interplay. The inclusion of displacement within DRR and DRM instruments was also not analysed against global guidance.[48]

2.3 Informant interviews and review

The second phase of research involved remote interviews with 15–20 individuals from each case study country. In total, between March and November 2020, approximately 100 informants were interviewed. Informants were based or formerly based in the case study countries or covered them through regional mandates. Informants included representatives of national or subnational governments, international or domestic intergovernmental and non-governmental organizations and other experts. They were identified through desk research and initial discussion with UNHCR and IOM colleagues in each of the five countries, in addition to recommendations from interviewed informants. COVID-19 restrictions meant it was not possible for every individual to be physically present in their country at the time of the interview.[49]

Informant interviews offered insights and *perceptions* from practice, including on the similarities and differences in the treatment of conflict- and disaster-related IDPs in terms of prevention, emergency response and solutions. Information was gathered on applicable internal displacement, DRR and DRM legal, policy, institutional and coordination mechanisms and how they operate in practice. Informants also responded to questions on the challenges and opportunities for improving the state of affairs in each country, including through legal, policy, institutional and coordination frameworks, and provided documents and materials for review.[50]

The pre-published case studies were shared with interviewed government informants. Draft case studies were also shared with colleagues in the IOM and UNHCR country offices for review and feedback. Some informants from other organizations working in Afghanistan and the Philippines also provided comments on the draft case studies.

III CONFLICT, DISASTER AND DISPLACEMENT IN FIVE CASE STUDY COUNTRIES

This section provides an overview of the conflict, disaster and displacement dynamics in Afghanistan, Colombia, the Niger, the Philippines and Somalia. The evidence on each country is drawn from the detailed case studies included as annexes to this report. The overview highlights historical and contemporary manifestations of conflict and violence, prominent natural hazards that trigger disasters and the associated scale and dynamics of new displacement. It explains

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[48] Relevant global guidance includes "Words into Action: Disaster Displacement: How to Reduce Risk, Address Impacts and Strengthen Resilience" (UNDRR, 2019). Available from www.preventionweb.net/files/58821_wiadisasterdisplacement190511webeng.pdf (accessed 15 March 2021); Other relevant guidance has also been produced by the International Federation of Red Cross and Red Crescent Societies (IFRC), including "The Checklist on Law and Disaster Preparedness and Response" (IFRC, 2019). Available from www.globalprotectioncluster.org/wp-content/uploads/DPR_Checklist_Final_EN_Screen.pdf (accessed 15 March 2021); "Advocating to Strengthen Disaster Laws and Policies to Protect Internally Displaced Persons in Africa: A Guide for National Societies (IFRC, 2021). Available from https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2021-04/IFRC-Advocating%20to%20Strengthen%20Disaster-FINAL-rev2.1%20DLP%20logo.pdf. (accessed 22 April 2021).

[49] This process of identifying informants and COVID-19 restrictions meant that only a limited number of grass roots actors were interviewed. Language barriers and limited opportunities for translation also impacted selection.

[50] A series of semi-structured interview questions were prepared to obtain insights on the key themes for this report. The focus and direction of each interview varied based on the expertise and knowledge of each informant.

whether disasters and conflict occur in distinct locations or overlap geographically and offers insights on their interplay, including multiple displacements. The emphasis is on data and dynamics for 2018 and 2019. This section provides the context for subsequent observations.

3.1 Afghanistan[51]

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[52]
2014	13,000	156,000	805,000
2015	71,000	335,000	1,174,000
2016	7,400	653,000	1,553,000
2017	27,000	474,000	1,286,000
2018	435,000	372,000	2,598,000
2019	117,000	461,000	2,993,000

Displacement associated with conflict and violence has been prevalent in Afghanistan since the late 1970s.[53] A host of actors, including the Taliban, the Islamic State, the government, international actors, foreign countries and ethnic, communal and Islamist militias have all contributed to cycles of violence that have undermined people's resilience. Recent years have seen a relative upsurge in new internal displacement linked to conflict and violence. In 2018, 33 of the 34 provinces witnessed displacement in the context of conflict and violence, with an estimated 372,000 new displacements.[54] These figures increased in 2019, with an estimated 461,000 new displacements in 32 out of the 34 provinces.[55] Almost 3 million people remained displaced in the context of conflict and violence at the end of 2019.[56]

Although conflict and violence are the main triggers of internal displacement, natural hazards, such as droughts, floods, earthquakes, storms and avalanches, also lead to displacements. Nearly all provinces in Afghanistan have been affected by at least one disaster in the past 30

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[51] A more detailed discussion of the Afghanistan case study can be found in annex 2.

[52] As with all data on internally displaced persons (IDPs) in this report, these figures are taken from the IDMC Global Internal Displacement Database (see footnote 15). For information on IDMC calculations and methodology, see "What's behind our data" (IDMC, n.d.). Available from www.internal-displacement.org/countries/afghanistan (accessed July 2020). IDMC explains the complex challenges of collecting data in Afghanistan due to the volatile security situation, the lack of formal camps, the fluidity of mobility and the shrinking of humanitarian space. The organization also highlights the different sources used to compile estimates, including information collected by OCHA and IOM and explains caveats. For example, conflict estimates may not include secondary displacement and IDPs who are "temporarily" displaced may not be counted. An analysis of the disaster-related displacement estimates is not provided and these appear to be based on informant interviews. Unlike for new displacement associated with conflict and violence, OCHA has not compiled estimates for displacement associated with disasters.

[53] For general background on Afghanistan and displacement see "Country information: Afghanistan" (IDMC, n.d.). Available from www.internal-displacement.org/countries/afghanistan (accessed June 2020). Further information is provided in the reports available via this webpage.

[54] "Afghanistan: Figure analysis – displacement related to conflict and violence" (IDMC, 2019). Available from www.internal-displacement.org/sites/default/files/2019-05/GRID%202019%20-%20Conflict%20Figure%20Analysis%20-%20AFGHANISTAN.pdf (accessed July 2020).

[55] "Afghanistan: Displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20-%20Conflict%20Figure%20Analysis%20-%20AFGHANISTAN.pdf (accessed July 2020).

[56] Ibid.; footnote 14, p. 49.

years,[57] and approximately 250,000 people are affected by disasters every year.[58] In 2018, there were 435,000 new displacements associated with disasters. This figures represents a notable increase from the preceding years.[59] Drought from years of below-average rainfall affected at least 20 provinces,[60] accounting for an estimated 371,000 of the annual total; many people were displaced from the western provinces of Badghis, Ghor and Herat.[61] In 2019, approximately 117,000 new displacements were triggered by disasters. The vast majority of people fled floods in the western provinces, while 4,200 drought-related displacements were also recorded.[62]

In many provinces, these drivers and triggers overlap. However, changing cycles and patterns of conflict and violence mean interactions with hazards, disasters and internal displacement are dynamic and vary geographically.[63] The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) emphasizes that "[t]riggers for displacement are usually complex and cumulative".[64] Based on an assessment from 2019 covering the whole of Afghanistan, "56 per cent of IDP households reported a combination of active conflict, anticipated conflict, and natural disaster (slow or sudden-onset) caused their displacement."[65] Moreover, many Afghans face secondary or multiple displacements:[66] disasters affect people who have also endured conflict and violence;[67] recurrent flooding affects the same areas;[68] and displaced populations also face the threat of evictions.[69]

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[57] "Disaster Risk Reduction and Protracted Violent Conflict: The Case of Afghanistan" (Rodrigo Mena, Dorothea Hilhorst and Katie Peters, 2019), p. 9. Available from www.odi.org/sites/odi.org.uk/files/resource-documents/12883.pdf (accessed July 2020).

[58] "Afghanistan – complex emergency" (United States Agency for International Development [USAID], 2019), p. 5. Available from www.usaid.gov/sites/default/files/documents/1866/afghanistan_ce_fs01_01-10-2020.pdf (accessed July 2020).

[59] This is regarded as the largest disaster-related displacement in at least a decade in Afghanistan: See "Global Report on Internal Displacement 2019" (IDMC, 2019), p. 36. Available from www.internal-displacement.org/global-report/grid2019/ (accessed July 2020).

[60] "Drought grips large parts of Afghanistan" (OCHA, 2018). Available from www.unocha.org/story/drought-grips-large-parts-afghanistan (accessed July 2020); "Afghanistan humanitarian needs overview" (OCHA, 2019), p. 14. Available from reliefweb.int/report/afghanistan/afghanistan-humanitarian-needs-overview-2020-december-2019 (accessed July 2020).

[61] See footnote 59, p. 36.

[62] See footnote 14 (IDMC, 2020), pp. 12, 49–50.

[63] For example, see footnote 59: "In reality, the drivers of displacement in Afghanistan are intertwined. The impact of the drought was the final straw for many families who had been living in rural areas underserviced after years of armed conflict. Their resources and coping mechanisms had been eroded over time, and 2018 marked a tipping point when conditions became unbearable, leading to the country's largest disaster-related displacement in at least a decade" (p. 36). See also, "National Policy on Internally Displaced Persons" (Afghanistan, 2013), p. 14. Available from www.refworld.org/docid/52f0b5964.html (accessed July 2020); footnote 60 (OCHA, 2019).

[64] See footnote 60 (OCHA, 2019), p. 28.

[65] Ibid.

[66] Ibid; footnote 63 (Afghanistan, 2013), pp. 14–15.

[67] "Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan", A/HRC/35/27/Add.3 (United Nations Human Rights Council, 2017), paragraph 13. Available from http://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/091/19/PDF/G1709119.pdf?OpenElement (accessed July 2020); footnote 63 (Afghanistan, 2013).

[68] Remote key informant interviews conducted between March and August 2020 on file with the author.

[69] "Afghanistan: Humanitarian Response Plan 2018–2021" (OCHA, 2020). Available from www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-response-plan-2018-2021-june-2020-revision (accessed August 2020). See, more generally, "Stuck in the mud: urban displacement and tenure security in Kabul's informal settlements" (Mohammad Abdoh and Anna Hirsch-Holland, 2019). Available from reliefweb.int/report/afghanistan/grid-2019-global-report-internal-displacement-stuck-mud-urban-displacement-and (accessed August 2020).

IDPs flee to urban areas in search of security and support.[70] They seek refuge in multiple settings: camp-like settings; informal, spontaneous and unplanned settlements; among host communities, or family and friends; and in rental accommodation. While some IDPs return to their areas of origin after relatively short periods, many – particularly people who have fled in the context of conflict – remain internally displaced for years.[71] Access to land and security of tenure remain a key challenge in Afghanistan and affect opportunities for durable solutions. Between 2012 and 2019, more than 3.3 million Afghans returned to the country, primarily from Pakistan and theIslamic Republic of Iran.[72] Some share similar predicaments to that faced by IDPs upon return.[73]

3.2 Colombia[74]

Year	New disaster displacement	New conflict displacement	Conflict displacement stock (IDMC)[75]	Conflict displacement stock (national register)[76]
2014	20,000	137,000	6,044,000	7,236,090
2015	4,600	224,000	6,270,000	7,447,928
2016	31,000	171,000	7,246,000	7,569,016
2017	25,000	139,000	6,509,000	7,678,728
2018	67,000	145,000	5,761,000	7,822,017
2019	35,000	139,000	5,576,000	7,904,093

For over five decades, armed conflict and violence involving government security forces and non-State armed actors, including paramilitary and guerrilla groups, have resulted in large-scale

[70] See Footnote 67 (United Nations Human Rights Council, 2017), paragraph 6; footnote 63 (Afghanistan, 2013), p. 14.
[71] See footnote 63 (Afghanistan, 2013), pp. 14–15; "Policy Framework for Returnees and IDPs" (Afghanistan, 2017). Available from www.refworld.org/docid/5b27b0504.html (accessed July 2020), paragraph 4; footnote 67 (United Nations Human Rights Council, 2017), paragraphs 6 and 78.
[72] See footnote 56 (IDMC, 2020), p. 49.
[73] See ibid; footnote 69; see also "Socio-economic survey and post-distribution monitoring: UNHCR's assistance programmes for returnees, IDPs and persons with specific needs" (UNHCR, 2019). Available from data2.unhcr.org/en/documents/details/70157 (accessed December 2020). See, more generally, "A different kind of pressure: the cumulative effects of displacement and return in Afghanistan" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/publications/documents/202001-afghanistan-cross-border-report.pdf (accessed July 2020).
[74] For a more detailed discussion of the Colombia case study, refer to annex 3.
[75] As with all the data on IDPs used in this report, the estimates in the first three columns of this table, including the stock estimates, are taken from the IDMC Global Internal Displacement Database (see footnote 15). For more information on the calculations and methodology, see "What's behind our data" (IDMC, n.d.). Available from www.internal-displacement.org/countries/colombia (accessed June 2020). See also "Stuck in the middle: seeking durable solutions in post-peace agreement Colombia" (IDMC, 2019), p. 7. Available from www.internal-displacement.org/sites/default/files/publications/documents/201903-colombia-cross-border-report.pdf (accessed June 2020). In this report, IDMC notes "Since 2017, IDMC's figure discounts IDPs who have overcome their displacement-related vulnerability, drawing upon assessments carried out by the Colombian government's Victims Unit (UARIV) which considers factors such as housing, education, documentation, and employment. Those who have only overcome housing-related vulnerability but continue to face challenges in other areas are accounted for separately, recognizing that their progress towards durable solutions does not yet constitute a complete end to displacement. As a result of this adopted approach, IDMC's estimates are lower than official government figures." In contrast, the estimates from the Colombian government's register of victims (last column) include all people displaced since 1985.
[76] Information from the Colombian government's Victims Unit provided during 2020, on file with the author.

internal displacement in Colombia.[77] Borne out of political and socioeconomic marginalization, conflict and generalized violence among other factors, internal displacement initially affected rural communities, escalating over time to also affect people living in towns and cities. Its drivers include competition; control over and dispossession of land and territory, including for illicit drug trafficking; persecution; threats; extortion and fears of recruitment and other human rights violations. Despite signing a historic peace agreement in 2016 with the Revolutionary Armed Forces of Colombia, demobilized areas have been slow to come under government control. Meanwhile, other non-State armed groups have gained power and increased fighting, violence and confrontations have prompted further internal displacement. Between 2017 and 2019, around 140,000 new displacements associated with conflict and violence were recorded. So-called "confinement" has also created complex humanitarian situations, with civilian communities unable to—or forcibly restricted from—fleeing to safety.[78]

Colombia is also vulnerable to natural hazards, such as floods, landslides, storms, earthquakes and volcanic eruptions and has recorded internal displacement associated with disasters. Risks stem from poverty, dense informal settlements in hazard-prone locations and unsafe construction in a context of unplanned urbanization. In 2018, there were an estimated 67,000 new displacements in Colombia, mostly due to flooding.[79] In 2019, there were an estimated 35,000 new displacements, triggered by floods, landslides, wildfires and storms, particularly in the departments of Putumayo, Antioquia, Magdalena and Nariño.[80]

Colombia has been significantly affected by internal displacement, primarily due to conflict and violence.[81] Most IDPs in the country have fled rural areas and are located in urban centres, including major cities, where they often live in slums and informal settlements.[82] Many IDPs have experienced multiple displacements; while conflict is the main trigger, disasters have also

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[77] For general background on Colombia and displacement see "Country information: Colombia" (IDMC, n.d.). Available from www.internal-displacement.org/countries/colombia (accessed June 2020). Further information is provided in the reports available via this webpage.

[78] There are multiple ways in which people may be confined. For example, confinement may arise when armed actors impose restrictions on the freedom of movement of civilians as a strategy, a tool for control or a tactic of war; when armed actors, confrontations between armed actors, or landmines surround the locations where civilians live; or when armed actors use communities as shields for protection. Confinement can be a first step to subsequent displacement. Confinement may prevent populations from accessing livelihoods, health care, education and other essential services and resources, including food, for extended periods of time. Informant interview on file with the author. See footnote 14, p. 56; "Panorama de las necesidades humanitarias" (OCHA, 2020). Available from www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2020_colombia_esp.pdf (accessed August 2020).

[79] See footnote 59, p. 39.

[80] See footnote 77 (IDMC, n.d.); and footnote 14, p. 56. IDMC notes that there is a gap in information on the number of people displaced by disasters in Colombia, as the National Disaster Management Agency only publishes data on the number of people affected and houses damaged and destroyed. For example, IDMC notes that heavy rains in Chocó department in February 2019, which caused six rivers to burst their banks, affected nearly 31,000 people, but it was not possible to determine the number of people who were displaced.

[81] Ibid. See more generally, "Exile within borders: a study of compliance with the international regime to protect internally displaced persons" (Gabriel Cardona-Fox, 2015). Available from repositories.lib.utexas.edu/bitstream/handle/2152/46559/CARDONA-FOX-DISSERTATION-2015.pdf?sequence=1 (accessed June 2020), p. 130.

[82] See footnote 11, pp. 92–96; footnote 81 (Cardona-Fox, 2015), p. 129.

prompted secondary displacements.[83] Crisis conditions in the Bolivarian Republic of Venezuela have led to the return of Colombian refugees, who find themselves unable to return to their places of origin and facing the drivers and triggers that lead to displacement throughout Colombia.[84]

At the end of 2019, according to the national register of victims, there were 7,904,093 displaced victims of the armed conflict, whereas IDMC data estimated that 5,576,000 people remained internally displaced due to conflict and violence.[85] Many IDPs have lived in situations of internal displacement for years, even decades.[86] The reasons IDPs are in situations of limbo and unable to secure solutions include violence, conflict, insecurity, crime, a lack of skills for urban markets (particularly for IDPs from rural areas), land tenure, land restitution, illegal status of settlements, insufficient local government capacity, the (as yet) limited integration of IDPs within State action and limited resources for durable solutions.[87] Research suggests "protracted displacement has left the vast majority of Colombian IDPs in poverty or extreme poverty, primarily in urban areas, with poverty levels two to three times higher than that of the general population."[88]

3.3 The Niger[89]

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[90]
2014	47,000	No data	11,000
2015	38,000	47,000	153,000
2016	46,000	166,000	136,000
2017	189,000	40,000	144,000
2018	40,000	52,000	156,000
2019	121,000	57,000	195,000

Persistent and unpredictable waves of internal displacement have occurred in the Niger since Boko Haram first launched attacks in the country in early 2015.[91] Nigeriens are displaced in

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[83] See footnote 77, including "Stuck in the middle: seeking durable solutions in post-peace agreement Colombia" (IDMC, 2019). Available from www.internal-displacement.org/sites/default/files/publications/documents/201903-colombia-cross-border-report.pdf (accessed June 2020); footnote 11, pp. 92–96; "Colombia: A case study in the role of the affected State in humanitarian action" (ODI, 2008), p. 11. Available from www.odi.org/en/publications/colombia-a-case-study-in-the-role-of-the-affected-state-in-humanitarian-action/ (accessed June 2020); Informant interview on file with the author.
[84] See, for example, footnote 75 (IDMC, 2019).
[85] See footnote 75.
[86] See, for example, footnote 11.
[87] Ibid., pp. 92–96.
[88] Ibid., p. 93. See also footnote 81 (Cardona-Fox, 2015), p.129, citing IDMC.
[89] For a more detailed discussion of the Niger case study, refer to annex 4.
[90] As with all the data on IDPs used in this report, these figures are taken from the IDMC Global Internal Displacement Database (see footnote 15). For more information on IDMC calculations and methodology, see "What's behind our data" (IDMC, n.d.). Available from www.internal-displacement.org/countries/niger (accessed June 2020). IDMC explains that different sources are used to compile estimates for Niger, including information collected by the government of Niger Regional Directorate of Civil Status. Data on displacement associated with floods is collected from a combination of local media sources, government reports and assessments by international organizations. For the 2019 estimate, IDMC used the OCHA housing destruction estimate, triangulated against other sources.
[91] For general background on Niger and displacement see "Country information: Niger" (IDMC, n.d.). Available from www.internal-displacement.org/countries/niger (accessed June 2020). Further information is provided in the reports available via this webpage.

multiple parts of the country due to conflict and violence. Most conflict-affected IDPs, some of whom have experienced multiple displacements, are hosted by local communities and live in the Diffa region in the south-east, near the border with Nigeria. Nigeriens have also become internally displaced in the south-west in the Tahoua and Tillabéri regions due to an upsurge in communal violence and attacks from non-State armed groups located in the border regions with Burkina Faso and Mali. In 2019, new displacement associated with conflict and violence occurred in the Maradi region, where the arrival of thousands of Nigerians created tensions. At the end of 2019, nearly 200,000 people remained internally displaced due to violence and conflict.

Rural and urban locations in the Niger, particularly areas surrounding rivers, are prone to recurrent floods, which prompt internal displacement. Since the mid-1980s, there has been an increase in average rainfall, which in turn has increased the frequency of flooding during the rainy season.[92] Recurrent floods occur in both conflict and non-conflict-affected areas, including in the capital Niamey, along the Niger and Komadougou rivers, and in the cities of Dosso, Maradi and Zinder, among others. Floods in Niamey and the conflict-affected regions of Tillabéri and Diffa, for example, have triggered displacement. More generally, as is the case in other parts of the Sahel, the Niger has experienced and continues to face rising temperatures, droughts, desertification, aridity and water scarcity, which undermine agricultural productivity, pastoralism and other livelihoods, thus affecting food security.[93]

Estimates of new displacement associated with floods are available for the Niger;[94] however estimates of displacement associated with drought are not.[95] This means IDMC's annual estimates of displacement associated with disasters does not capture this latter phenomenon. Key questions for understanding displacement associated with drought are how it manifests and where the tipping points are for different people, including pastoralists and farmers.[96] Efforts are under way to develop estimates and better understand such displacements in the Niger.[97] Recent research by IDMC has found that in times of drought and food insecurity, the Niger experiences common patterns of seasonal and distress migration (an annual "exodus"), as well as "unusual" pastoralist movements, suggesting that some of these movements should be

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[92] "Plan de Contingence Inondation 2020" (Niger, 2020), p. 5, on file with the author.

[93] See, for example, "Niger" (Global Facility for Disaster Risk Reduction, n.d.). Available from www.gfdrr.org/en/niger (accessed June 2020).

[94] "What's behind our data" (IDMC, n.d.). Available from www.internal-displacement.org/countries/niger (accessed June 2020).

[95] Ibid. IDMC explains that data on displacement associated with drought are not collected or consolidated by any one agency, although there are ongoing efforts to measure and collect data on this phenomenon, including by identifying relevant indicators, such as food insecurity and livelihood opportunities. See also "They call it exodus: breaking the cycle of distress migration in Niger" (IDMC, 2019), p. 8. Available from www.internal-displacement.org/publications/they-call-it-exodus-breaking-the-cycle-of-distress-migration-in-niger (accessed June 2020).

[96] See, for example, "Beyond drought: adding life to the numbers" (IDMC, 2020). Available from www.internal-displacement.org/features/beyond-drought-niger-ethiopia-somalia-iraq-displacement (accessed June 2020). On the conceptual dimensions, see generally "On the margin: Kenya's pastoralists – from displacement to solutions, a conceptual study on the internal displacement of pastoralists" (Nina Schrepfer and Martina Caterina, 2014). Available from www.internal-displacement.org/sites/default/files/publications/documents/201403-af-kenya-on-the-margin-en.pdf (accessed June 2020).

[97] "Africa Report on Internal Displacement" (IDMC, 2019). Available from www.internal-displacement.org/africa-report (accessed June 2020), pp. 47–48.

regarded as displacement.[98] In this context, IDMC also notes the linkages between conflict and disaster in many regions of the country,[99] and indicates that insights on how displacement occurs in the context of slower-onset phenomena like droughts could support efforts to better understand interactions with conflict and violence.[100]

3.4 The Philippines[101]

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[102]
2014	5,787,000	124,000	78,000
2015	2,221,000	288,000	62,000
2016	5,930,000	280,000	87,000
2017	2,529,000	645,000	445,000
2018	3,802,000	188,000	301,000
2019	4,094,000	183,000	182,000

The Philippines is an archipelagic State located on the Ring of Fire and typhoon belt in the Pacific Ocean.[103] It is highly exposed to a range of natural hazards, including typhoons, tropical storms, floods, earthquakes, landslides, tsunamis and volcanic eruptions. Disasters drive large-scale displacement affecting millions of people and have led to frequent, multiple or long-term displacement. Between 2014 and 2019, there was an average of over 4 million new displacements associated with disasters every year. The Philippines regularly ranks among the world's top countries for new displacements associated with disasters.

Although smaller in scale, new displacements associated with conflict and violence have also become common in southern Philippines. In Mindanao, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao, internal conflicts involving various actors (including Muslim separatists, clan militias, criminal groups, political clans and between government forces and certain armed groups including those inspired by the Islamic State) have displaced people for decades. Conflict and violence continue in parts of the country, with clashes between different groups and the Philippine military. For instance, violence escalated in 2017, resulting in

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[98] See footnote 95 (IDMC, 2019).

[99] Ibid., p. 8.

[100] See footnote 97 (IDMC, 2019), pp. 47–48.

[101] For a more detailed discussion of the Philippines case study, refer to annex 5.

[102] As with all the data IDPs used in this report, these figures are taken from the IDMC Global Internal Displacement Database, (see footnote 15). For more information on IDMC's calculations and methodology, see "What's behind our data" (IDMC, n.d.). Available from www.internal-displacement.org/countries/philippines (accessed September 2020). IDMC notes that the Philippines is one of the most reliable countries in Asia for data on both conflict and disaster displacement and that the primary sources for data are the government's Disaster Response Operations Monitoring and Information Center (DROMIC), which forms part of the Department of Social Welfare and Development, and UNHCR, which works with partners in the Mindanao region. DROMIC provides national coverage and publishes regular situation reports, which include overall figures for conflict and disaster displacement. Cases in which conflict- and disaster-related displacement have not been reported by DROMIC have related to smaller-scale events. The UNHCR data has been helpful for providing more detailed information on the varied forms of conflict-associated displacement. See "Philippines: Disaster displacement data from preparedness to recovery" (GP20, 2020). Available from www.globalprotectioncluster.org/wp-content/uploads/philippines_DDDPR.pdf (accessed January 2021).

[103] For general background on the Philippines and displacement see "Country information: Philippines" (IDMC, n.d.). Available from www.internal-displacement.org/countries/philippines (accessed June 2020). Further information is provided in the reports available via this webpage.

significant displacement, most notably in Marawi.[104] Family or clan-based feuds, known as "rido", in which civilians engage in armed violence, particularly over land, has also prompted displacement.[105] At the end of 2019, over 180,000 people remained internally displaced due to conflict. In Mindanao, people also become displaced due to disasters triggered by natural hazards such as typhoons, earthquakes and floods.[106] Multiple displacements associated with both conflict and disaster also occur.[107]

Many IDPs sheltering in evacuation centres, with host communities or in urban settings in the aftermath of disasters return to their places of origin relatively quickly, even if they return to damaged or destroyed homes, depleted livelihoods and places at risk of disaster.[108] However, this does not necessarily mean people who return have overcome protection and assistance needs associated with their displacement.[109] Others may face obstacles to return, including military restrictions in certain areas or because their areas of origin have been deemed unsafe. Some are relocated to new sites or continue to live in transitional shelters.

The confluence of factors and experience of multiple displacements can compound precarious living conditions, deplete resilience and increase vulnerability. Marginalized groups such as indigenous populations are particularly affected.[110] Displacement also occurs in the context of insecure land tenure or informal rights.[111] The reasons why displacement may become long-term or constrain durable solutions include conflict and violence (including over land); insufficient or unsuitable land for relocation sites; the lack of effective justice systems, including to address land tenure conflicts; inadequate investment in and focus on sustainable livelihoods and productive assets; and inadequate consultation and conditions in relocation sites.[112]

3.5 Somalia[113]

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[104] Ibid; "Philippines: Mindanao conflict" (ACAPS, n.d.). Available from www.acaps.org/country/philippines/crisis/mindanao-conflict (accessed September 2020).

[105] Informant interviews on file with the author.

[106] See "Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to the Philippines", A/HRC/32/35/Add.3 (United Nations Human Rights Council, 2016). Available from reliefweb.int/sites/reliefweb.int/files/resources/G1606860.pdf (accessed September 2020); "Cycle of conflict and neglect: Mindanao's displacement and protection crisis. Summary and recommendations" (IDMC, 2009). Available from www.internal-displacement.org/sites/default/files/inline-files/200910-ap-philippines-cycle-of-conflict-and-neglect-sumrec-country-en.pdf (accessed September 2020); footnote 102 (IDMC, n.d.).

[107] See, for example, ibid., (United Nations Human Rights Council, 2016). Informants also noted that in parts of Maguindanao province people are repeatedly displaced by conflict and violence and by disasters. See also, "Philippines: Amid floods and armed conflict, a safer space for students in Pagatin" (ICRC, 2020). Available from https://www.icrc.org/en/document/amid-floods-and-armed-conflict-safer-space-students-pagatin (accessed: February 2021).

[108] Ibid., (United Nations Human Rights Council, 2016), paragraph 6; footnote 11.

[109] Ibid., (United Nations Human Rights Council, 2016).

[110] For a discussion of the specific vulnerabilities faced by indigenous populations, see "Inclusive data on disaster displacement must include indigenous people" (Álvaro Sardiza Miranda and others, 2020). Available from www.internal-displacement.org/expert-opinion/inclusive-data-on-disaster-displacement-must-include-indigenous-people (accessed January 2021).

[111] Correspondence on file with the author. For instance, disaster risk may be considered reasonable ground for eviction of informal settlers. Further information may be found in Republic Act No. 7279, also known as the Urban Development and Housing Act of 1992.

[112] See footnote 11.

[113] For a more detailed discussion of Somalia, refer to annex 6.

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[114]
2014	36,000	89,000	1,107,000
2015	59,000	90,000	1,223,000
2016	70,000	113,000	1,107,000
2017	899,000	388,000	825,000
2018	547,000	578,000	2,648,000
2019	479,000	188,000	2,648,000

Somalis have faced armed conflict, violence and human rights violations for decades.[115] Clan conflicts and fighting involving Al-Shabaab, other armed groups, international actors, foreign governments and the Somali Armed Forces have compounded the State's fragility, undermining governance and institutional mechanisms. In this context, large-scale internal displacement has become a common feature. In 2018, more than 578,000 new displacements associated with conflict and violence were reported. According to IDMC, this was the highest figure for 10 years.[116] In 2019, new displacement associated with conflict and violence was estimated at 188,000 people, with the majority reported in Lower Shabelle, an Al-Shabaab stronghold.[117]

[114] As with all the data on IDPs used in this report, these figures are taken from the IDMC Global Internal Displacement Database (see footnote 15). For more information on IDMC's calculations and methodology, see What's behind our data (IDMC, n.d.). Available from www.internal-displacement.org/countries/somalia (accessed November 2020). IDMC explains that UNHCR, REACH and IOM all collect data on internal displacement in Somalia. In particular, the UNHCR-led Protection and Return Monitoring Network collects data on voluntary and forced displacement, as well as return, an endeavour which is supported by the Norwegian Refugee Council, working with 39 local partners in the field. IDMC also notes, however, that methodological and conceptual challenges affect the dataset and that there are ongoing efforts to tackle them. For more information on Protection and Return Monitoring Network data, see "Somalia internal displacement" (UNCHR, n.d.). Available from unhcr.github.io/dataviz-somalia-prmn/index.html#reason=&month=&need=&pregion=&pdistrictmap=&cregion=&cdistrictmap=&year=2020 (accessed November 2020). For further information on the UNHCR methodology, see "Methodology" (UNHCR, n.d.). Available from data2.unhcr.org/en/documents/details/53888 (accessed 16 March 2021). IOM assesses displaced populations in approximately half of Somalia, where its monitoring activities began in 2016, while REACH focuses its assessments on urban areas. See "Somalia: displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20%E2%80%93%20Conflict%20Figure%20Analysis%20%E2%80%93%20SOMALIA.pdf (accessed November 2020).

[115] For general background on Somalia and displacement see "Country information: Somalia" (IDMC, n.d.). Available from www.internal-displacement.org/countries/somalia (accessed June 2020). Further information is provided in the reports available via this webpage.

[116] IDMC estimates of new internal displacement associated with conflict and violence for 2018 appear to have included people who were evicted. For instance, IDMC reports that evictions from urban centres (mainly of IDPs) accounted for 44 per cent of these new internal displacements. See footnote 59, p. 9. Other reasons include tensions between Somaliland and Puntland and clashes between government forces and Al-Shabaab.

[117] During 2019, evictions remained a key trigger of displacement. However, unlike the total estimate of new displacement associated with conflict and violence for 2018, forced evictions affecting over 264,999 people (mostly IDPs) were not added to the 2019 estimate of new displacement associated with conflict and violence. See "Somalia: displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20%E2%80%93%20Conflict%20Figure%20Analysis%20%E2%80%93%20SOMALIA.pdf (accessed November 2020). See also footnote 114.

Many Somalis also face recurrent droughts, flash and riverine floods, including along the riverbanks of the Shabelle and Juba rivers,[118] and severe storms, as well as other natural hazards. Floods also strike areas previously affected by drought.[119] For 2018, IDMC estimated 547,000 new displacements associated with disasters: floods triggered 289,000 of the total.[120] Another 249,000 people were displaced in the context of drought in the southern regions of Somalia, when people moved in search of water and livelihood opportunities.[121] Similarly, in 2019, disasters were identified as the dominant trigger for the new displacement of close to half a million people. Flooding stemming from a particularly wet rainy season accounted for a significant proportion of displacement.[122] In previous years, droughts have been a dominant trigger of new displacement associated with disasters. For instance, in 2017, almost 900,000 new displacements were associated with drought.[123]

In parts of Somalia, including in the southern and central regions, displacement has occurred due to interlinked and overlapping drivers and triggers, such as conflict and violence, and disasters associated with droughts or floods.[124] Droughts have combined with conflict, military offensives and interventions by Al-Shabaab interventions (among other factors) to create food insecurity or famine and compel movements.[125] While IDMC provides discrete displacement estimates for conflict and violence and for disasters, it acknowledges that the reality is more complex, since triggers (and other factors) combine and converge to drive displacement, aggravating impacts and deepening conditions of vulnerability.[126] For example, having compiled its first estimates of new displacement associated with drought for Somalia in 2017, IDMC notes "it was difficult to distinguish between displacements triggered by drought and other factors as well as to distinguish between forced movements and seasonal migration."[127]

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[118] "Somalia: 2019 Floods Impact and Needs Assessment" (Somalia, Ministry of Humanitarian Affairs and Disaster Management, 2020). Available from http://documents1.worldbank.org/curated/en/764681585029507635/pdf/Somalia-2019-Floods-Impact-and-Needs-Assessment.pdf (accessed January 2021); "Flood response plan Somalia" (OCHA, 2020). Available from reliefweb.int/report/somalia/somalia-flood-response-plan-june-2020 (accessed January 2021); For further details on impacts and previous droughts, see also "Somalia Drought Impact & Needs Assessment: Volume I Synthesis Report" (Somalia, Ministry of Planning, Investment and Economic Development, n.d.). Available from www.gfdrr.org/sites/default/files/publication/GSURR_Somalia%20DINA%20Report_Volume%20I_180116_Lowres_0.pdf (accessed January 2021).

[119] See, for example, footnote 97, pp. 20 and 32.

[120] See footnote 59, p. 10.

[121] Ibid.

[122] "Rainy season Horn of Africa: figure analysis – displacement related to disasters" (IDMC, 2019). Available from www.internal-displacement.org/sites/default/files/inline-files/GRID-2019-Disasters-Figure-Analysis-HoA-Rainy-Season.pdf (accessed November 2020).

[123] "Global report on internal displacement 2018" (IDMC, 2018), p. 52. Available from www.internal-displacement.org/global-report/grid2018/downloads/2018-GRID.pdf (accessed January 2021). For further details on impacts, and previous droughts see also footnote 118 (Somalia, Ministry of Planning, Investment and Economic Development, n.d.).

[124] See, for example, footnote 97 p. 32; "City of flight: new and secondary displacements in Mogadishu, Somalia" (IDMC, 2018). Available from www.internal-displacement.org/sites/default/files/inline-files/201811-urban-displacement-mogadishu.pdf (accessed November 2020).

[125] See, for example, footnote 27, pp. 36–38.

[126] See footnote 97, pp. 20, 32–33. IDMC also notes that slow- and sudden-onset hazards have increased competition for resources in rural areas, including already scarce agricultural land and pasture for livestock, which in turn has aggravated clan conflicts and compelled urban displacement (see footnote 124 (IDMC, 2018), p. 2).

[127] Footnote 97, p. 47. IDMC also explains that the "convergence of disasters and conflict and the role it plays in generating displacement becomes more complex still when slow-onset events such as drought, climate change

In light of this complexity and the historical and evolving dynamics between conflict, violence and disaster, IDPs in Somalia may fall into a number of different categories. Some may have been displaced solely in the context of conflict and violence, as is the case in some areas controlled by Al-Shabaab in south and central Somalia. Others may have been displaced solely in the context of disasters, such as floods or drought in parts of Puntland or Somaliland, which are unaffected by conflict. Yet others may have been displaced in the context of conflict, violence and disasters, such as drought-affected populations fleeing from areas controlled by Al-Shabaab or people displaced by flooding after years enduring the repercussions of conflict and violence.

Some IDPs also experience multiple internal displacements, which are not uncommon, since a range of triggers may displace people over time.[128] For example, floods may strike sites where IDPs are sheltering, particularly when established on less desirable and hazard-prone fringes or areas that have already been affected by drought or conflict.[129] Equally, the same type of triggers, such as recurrent floods, droughts or confrontation, may be the source of secondary displacements. Forced evictions have also resulted in the secondary displacement of significant numbers of IDPs, irrespective of the trigger(s) that compelled their initial flight.[130]

Internal displacement has contributed to rapid urbanization in Somalia, with many rural populations fleeing to cities and peri-urban areas.[131] Large concentrations of IDPs are hosted in Mogadishu, Baidoa and Kismayo. Somali returnees (people who crossed into countries such as Ethiopia and Kenya) may also return to situations of internal displacement in urban areas.[132] Understanding of these dynamics is complicated by limited data on the trajectory and situation of returnees.[133]

At the end of 2018 over 2.6 million people were living in internal displacement in Somalia due to conflict and violence.[134] For the end of 2019, IDMC reports the same figure, and it appears that the estimate was not updated.[135] IDMC also notes that the data was "not clearly disaggregated by cause of displacement [and therefore], the figure included people displaced by both conflict

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impacts and environmental degradation are considered. Such hazards only add to the myriad of factors that drive conflict and violence, the decline of livelihoods and ultimately displacement. Distinguishing between forced and voluntary movements and identifying push and pull factors in slow-onset situations also tends to be more difficult, because cyclical rural-to-urban migration is often a poverty-reduction strategy not necessarily related to the effects of slow-onset events and conflict" (p. 32). See also footnote 123 (IDMC, 2018).

[128] See, for example, "Humanitarian needs overview: Somalia" (OCHA, 2019). Available from reliefweb.int/sites/reliefweb.int/files/resources/2020%20Somalia%20Humanitarian%20Needs%20Overview.pdf (accessed November 2020); "Humanitarian response plan: Somalia" (OCHA, 2020). Available from www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/somalia_2019_hrp_final.pdf (accessed November 2020); "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin", A/HRC/13/21/Add.2 (United Nations Human Rights Council, 2009). Available from www.refworld.org/docid/49a55b102.html (accessed November 2020). See also "Durable Solutions Initiative Mission Reports" (Walter Kälin, on file with the author).

[129] See, for example, footnote 118 (Somalia, Ministry of Humanitarian Affairs and Disaster Management, 2020) and (OCHA, 2020); footnote 97, pp. 32 and 51. IDMC also notes "Regardless of the trigger, the impacts of displacement often result in further movements, which traps those affected in a vicious circle of vulnerability and risk" (p. 32). See also footnote 124 (IDMC, 2018), p. 4.

[130] See, for example, footnotes 97, 116 and 117.

[131] See, for example, footnote 128 (OCHA, 2020) and footnote 124 (IDMC, 2018).

[132] See, for example, footnote 97, p.37 and footnote 128 (OCHA, 2020) and (Walter Kälin, on file with the author).

[133] See footnote 97, pp. 8 and 18.

[134] See footnote 59, p. 48.

[135] Footnote 14, p. 11. Correspondence on file with the author.

and disasters". [136] IDPs were living across 2,000 sites, the majority of which were informal settlements on private land in urban areas.[137] Long-standing conflict and violence has meant that many Somalis have remained in protracted situations. The impacts of recurrent droughts also affect opportunities for pastoralists, agro-pastoralists and other populations to resume their pre-existing livelihoods.[138] Sustainable return has been hindered by ongoing conflict, insecurity and limited investment in infrastructure and services in rural areas, while evictions, insufficient land for permanent settlement, competing property claims and lack of clarity regarding land ownership all undermine local integration and settlement in new locations.[139]

IV OBSERVATIONS

Drawing on the material in the preceding section and the detailed annexes, this section presents a series of observations under five themes: (1) conflict, disaster and displacement dynamics; (2) legal and policy approaches on internal displacement; (3) legal and policy approaches on DRR and DRM; (4) institutional and coordination mechanisms on internal displacement, DRR and DRM; and (5) climate change and development instruments and mechanisms.[140] The evidence and observations discussed are specific to the case study countries and therefore, are not necessarily representative of all countries affected by the incidence and interplay of conflict and disaster. Nonetheless, they *authenticate a spectrum of issues to consider* in countries contending with these dual challenges and associated displacement, while not purporting to draw generalizable conclusions. The observations are a backdrop to the final sections on implications and suggestions.

4.1 Conflict, disaster and displacement dynamics

This first series of observations relate to the incidence and interplay between conflict, disaster and associated displacement.

4.1.1. The nature of conflict and disaster, their geographic scope and interactions between them are diverse. This has implications for the scale and dynamics of displacement.

In Afghanistan, Colombia and Somalia, decades of conflict and violence have affected many parts of the country and undermined resilience to new shocks, including hazards. In these countries, droughts, floods and other hazards have compounded conditions of vulnerability and created complex multidimensional needs. These dynamics also occur in some areas of the Niger and the Philippines where conflict is concentrated and overlap with hazards and disasters. Table 1 provides an overview of conflict, disaster and displacement dynamics in the five countries.

Table 1: Overview of conflict, disaster and displacement dynamics

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[136] Ibid., p. 118.
[137] Footnote 128 (OCHA, 2020), p. 15. Correspondence indicates that there may be closer to 2,400 IDP sites as at the end of 2020.
[138] Footnote 118 (Somalia, Ministry of Planning, Investment and Economic Development, n.d.).
[139] See footnote 11.
[140] See annexes 2-6 for the detailed case studies.

Country	Conflict dynamics	Disaster dynamics	Interactions
Afghanistan	Conflict and violence have been ongoing for decades. Associated displacement has affected all provinces.	Nearly all provinces have been affected by disasters in the past 30 years. Displacement has occurred in the context of droughts, floods, earthquakes, storms and avalanches.	Conflict and violence have undermined resilience. Both conflict and disaster have overlapped geographically in some provinces. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. first by conflict and then disaster).
Colombia	Conflict and violence have been ongoing for decades. Associated displacement has affected most municipalities.	Some departments have been affected by disasters. Displacement has occurred in the context of floods, landslides, earthquakes, volcanic eruptions and storms.	Conflict and violence have undermined resilience. Conflict and disaster overlap geographically in some departments. Many people have experienced multiple displacements related to conflict. Some people have also experienced secondary displacement related to disasters.
Niger	Conflict and violence have affected the regions of Diffa, Tahoua, Tillabéri and Maradi. Associated displacement has affected these regions.	Recurrent floods have affected areas surrounding rivers. Displacement has occurred in the context of floods. Droughts have also occurred, although associated movements are not conceived as displacement.	Floods occur in conflict-affected regions of Tillabéri and Tahoua, where both triggers displace people. Some people have experienced multiple displacements related to conflict, while both triggers have also displaced others (e.g. first by conflict and then disaster).
Philippines	Conflict and violence have been ongoing for decades in the southern Philippines, particularly in Mindanao. Associated displacement has affected these regions.	Many parts of the Philippines are highly exposed to a range of hazards. Displacement has occurred in the context of typhoons and tropical storms, floods, earthquakes, landslides, tsunamis and volcanic eruptions.	Conflict and violence have undermined resilience, particularly in the southern Philippines, where conflict and disaster have both overlapped geographically. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. first by conflict and then disaster).
Somalia	Conflict and violence have been ongoing for decades in Somalia. Associated displacement has affected many regions, in particular southern and central Somalia.	Somalia has faced recurrent droughts, flooding along the riverbanks of the Juba and Shabelle rivers and storms. Displacement has occurred in the context of droughts and floods.	Conflict, violence and droughts have undermined resilience, including in southern and central Somalia. Both conflict and disaster have overlapped geographically in some regions. Each trigger has displaced people, sometimes more than once. Some people have been displaced by both triggers (e.g. floods have displaced people previously displaced by conflict and living on sites).

4.1.2. People have experienced multiple displacements. Some people have been displaced multiple times in the context of conflict. Others have been displaced multiple times in the context of disaster. Evidence from the five countries show people are also displaced by both triggers, for instance first in the context of conflict, followed by disaster.

As reflected in table 1, people have been displaced multiple times in each country. In many instances, similar triggers have underpinned multiple displacements. For example, in many parts of Colombia conflict and violence have displaced people more than once, whereas in Niamey in the Niger, recurrent floods have triggered multiple displacements. In Somalia, droughts followed by floods have triggered multiple displacements. Notably, in all countries, people have also been affected by conflict *and* disaster, and have experienced multiple displacements associated with each trigger. For instance, displacement associated with conflict and violence has been followed by displacement associated with disasters. In Afghanistan, for example, drought has displaced people previously displaced by conflict and violence. Similarly, floods, landslides or storms have displaced people who have fled conflict or violence in Colombia, the Niger and Somalia. Disasters have also struck displacement sites or informal settlements where IDPs from conflict shelter.[141]

4.1.3. In three of the five countries, between 2014 and 2019, average estimates of new displacement associated with disasters exceeded average estimates of new displacement associated with conflict.

In Afghanistan and Colombia, between 2014 and 2019, average estimates of new displacement associated with conflict and violence exceeded average estimates of new displacement associated with disasters. The opposite is true for the Niger, the Philippines and Somalia. Based on estimates compiled by IDMC, table 2 shows the scale of new displacement associated with conflict and violence and new displacement associated with disasters between 2014 and 2019.

Table 2: New displacement associated with conflict and disasters by country (2014–2019)

Year	New displacement associated with disaster				
Country	Afghanistan	Colombia	Niger	Philippines	Somalia
2014	13,000	20,000	47,000	5,787,000	36,000
2015	71,000	4,600	38,000	2,221,000	59,000
2016	7,400	31,000	46,000	5,930,000	70,000
2017	27,000	25,000	189,000	2,529,000	899,000
2018	435,000	67,000	40,000	3,802,000	547,000
2019	117,000	35,000	121,000	4,094,000	479,000

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[141] Informants did not discuss situations in which the movement of people in the context of environmental degradation, hazards, disasters or adverse effects of climate change have influenced tensions or conflict over scarce resources such as water or grazing land. However, these issues were discussed in some of the instruments reviewed under each case study.

Six-year total	670,400	182,600	481,000	24,363,000	2,090,000
Average	111,733	30,433	80,166	4,060,500	348,334
Year	**New displacement associated with conflict and violence**				
2014	156,000	137,000	No data	124,000	89,000
2015	335,000	224,000	47,000	288,000	90,000
2016	653,000	171,000	166,000	280,000	113,000
2017	474,000	139,000	40,000	645,000	388,000
2018	372,000	145,000	52,000	188,000	578,000
2019	461,000	139,000	57,000	183,000	188,000
Six-year total	2,451,000	955,000	362,000	1,708,000	1,446000
Average	408,500	159,167	60,333	284,667	241,000

4.1.4. Data on displacement associated with conflict is generally more developed than data on displacement associated with disasters.

While country-level estimates of displacement associated with disasters are available, it is important to recognize that government authorities in Afghanistan, Colombia, the Niger and Somalia do not collect or *only* collect ad hoc data on displacement associated with disasters. In Colombia, government authorities collect data on populations *affected* by disasters. Displacement estimates may only be captured in certain situations, such as when large-scale evacuations occur. In Afghanistan, the Niger and Somalia, humanitarian actors provide support in collecting and triangulating data for estimates. In addition, estimates may not always capture displacement stemming from some hazards, such as drought. In the Niger, for instance, efforts to compile estimates of displacement associated with drought are a work-in-progress, whereas in Afghanistan and Somalia, estimates of displacement associated with drought have been reported for some years. Understanding when pastoralists and traditionally nomadic populations are displaced in the context of disasters also presents complex challenges and estimates for Afghanistan, the Niger and Somalia may not sufficiently capture their displacement. In the Philippines, on the other hand, a stronger emphasis is perhaps placed on displacement data associated with disasters. Pre-emptive displacement in anticipation of conflict and violence may have been underestimated, at least in the past. More generally, access and security issues in locations affected by conflict constrain data collection on people affected and displaced by conflict and disaster.

4.1.5. Data on medium- to long-term displacement associated with disasters, including prior experience of conflict and violence, is limited.

Based on IDMC estimates, at the end of 2019, Afghanistan, Colombia and Somalia had some of the world's highest numbers of people who remained internally displaced in the context of conflict and violence. Drawing on various sources, including government estimates, IDMC has compiled such "stock" estimates for many years. Table 3 shows the stock figures for conflict and

violence for each year between 2014 and 2019. In contrast, 2019 was the first year for which IDMC reported global and country-level stock estimates of people who remained displaced in the context of disaster. These are acknowledged as underestimates, including due to limited longitudinal data.[142] People displaced during 2019 made up approximately 90 per cent of the global total of 5.1 million people, while the remainder were displaced in the context of disasters in previous years.[143] Notwithstanding these significant caveats, Afghanistan and the Philippines had some of the highest disaster displacement stock figures in the world.[144]

Table 3: Conflict displacement stock by country (2014–2019)

Year	Conflict Displacement Stock				
Country	Afghanistan	Colombia	Niger	Philippines	Somalia
2014	805,000	6,044,000 (7,236,090)[145]	11,000	78,000	1,107,000
2015	1,174,000	6,270,000 (7,447,929)	153,000	62,000	1,223,000
2016	1,553,000	7,246,000 (7,569,016)	136,000	87,000	1,107,000
2017	1,286,000	6,509,000 (7,678,728)	144,000	445,000	825,000
2018	2,598,000	5,761,000 (7,822,017)	156,000	301,000	2,648,000
2019	2,993,000	5,576,000 (7,904,093)	195,000	182,000	2,648,000

4.1.6.   Interventions may be affected by views on the salience of particular triggers of displacement, different needs and return options for IDPs associated with conflict compared to IDPs associated with disasters.

Interventions may be affected by views and perceptions of the salience of displacement associated with conflict and violence and on the different needs and return options of IDPs associated with conflict compared to IDPs associated with disasters. In the Niger, for instance, the concept of IDPs is relatively new; it has risen to prominence as a result of the Boko Haram insurgency, which drove large-scale displacement. Consequently, the term is closely connected with conflict. In contrast, recurrent floods are familiar and long-standing, and data on such displacement is not collected systematically. In this context, informants indicated that people displaced by floods are not necessarily perceived as IDPs, unless they have also been displaced by conflict. In Colombia, the language of displacement is also more closely aligned with people who have fled in the context of enduring conflict and violence. Data on displacement associated with disasters is not collected systematically or comprehensively, even though frameworks exist to support populations affected by disasters. In Afghanistan, perhaps due to the scale of displacement associated with conflict and the breadth of needs of both displaced and non-displaced populations, people displaced to the homes of friends or relatives for short periods in the context of floods may not necessarily be perceived as IDPs. In a few case study countries,

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[142] See footnote 14.
[143] Ibid.
[144] Ibid.
[145] As noted in detail in footnote 75, this column includes data from IDMC. The figure in parenthesis comes from the national register of victims.

some informants perceived IDPs associated with conflict to have more acute needs than those displaced by disasters. Some informants noted return following a disaster as a viable option, implying perhaps that no further interventions were needed, whereas insecurity stemming from conflict was noted as an impediment for considering return as a viable solution.

4.1.7. In places where conflict and disaster intersect or overlap geographically, access to affected and displaced populations may be constrained by conflict, disaster or both.

In places where conflict and disaster overlap geographically, barriers to access may stem from both triggers. Such situations present complexities that may not arise in places where the triggers operate in isolation. For example, if disasters occur in locations controlled by non-State armed actors, humanitarians may struggle to assist populations affected or displaced by disasters who remain in areas inaccessible to both humanitarian workers and government authorities. Insecurity may also prevent people from fleeing into government-controlled areas to access support. Similarly, people affected by disasters may displace into areas controlled by non-State armed actors or areas with security threats, compromising the provision of assistance and challenging accepted humanitarian protocols and principles. In addition, IDPs associated with disasters who are fleeing out of areas controlled by non-State armed actors may be viewed with distrust and may face injustice and discrimination in access to services and assistance. Declarations of states of emergency, military operations and approaches, government-imposed prohibitions, restrictions on movement and security-related requirements and verification processes hinder access and affect the timeliness and delivery of humanitarian aid, including for populations displaced by disasters. In contrast, disasters can destroy infrastructure, damage roads and render logistical costs prohibitive, disrupting access to IDPs displaced in the context of conflict. In the five countries, informants highlighted variations on these dynamics.

4.1.8. DRR, resilience and solutions programming is challenging in locations affected by conflict and such areas are not necessarily well serviced.

Beyond the humanitarian imperative in emergency situations, access and presence are necessary for sustainable interventions for prevention, mitigation, preparedness, early recovery and solutions. In locations where conflict and disaster risks converge, addressing DRR, DRM, resilience and solutions programming is particularly challenging. Ongoing conflict and limited territorial control constrain such activities. Informants in the Niger and Afghanistan, in particular, noted that DRR, DRM and resilience programming is limited in areas affected by conflict, due to concerns associated with threats, security and loss of investment. While humanitarians may maintain a presence and operate in locations affected by conflict, those focused on DRR, DRM, resilience and other structural developments may not. Certain types of interventions, including those focused on institutional capacity-building and local governance may be complicated by the need to cooperate and coordinate with non-State armed actors. Moreover, informants noted that few actors work across the displacement cycle, implementing programmes on DRR and stabilization to prevent and mitigate displacement, as well as emergency response interventions to support displaced populations and actions to end displacement. This means few actors have a holistic view across the displacement cycle.

4.1.9. Approaches that focus on "conditions of vulnerability" may offer a helpful analytical frame to account for multiple drivers and triggers of displacement when conflict and disaster affect the same people or areas.

In some countries, at least in the past, there were differences in humanitarian assistance and protection provided based on the status or category of a given individual (for example, whether someone is a new IDP or an IDP in a protracted situation). Informants in some countries noted that status-based interventions have created inequities in eligibility and access to support, including for populations affected by multiple drivers and triggers of displacement. Informants also noted more recent shifts towards approaches that consider needs, vulnerability and area-specific interventions. Interventions based solely on category or status may be insufficient in contexts where the volatility of conflict and the range and regularity of disasters create dynamic patterns of mobility and magnify conditions of vulnerability.

4.1.10. Disaggregating displacement data solely by trigger such as conflict or disaster masks the complex drivers that affect people's resilience, coping capacities and decisions to flee. These drivers may include prior experience of conflict and disaster and interactions between them.

In places where conflict and disaster endure and overlap, disaggregating displacement data solely based on the most proximate trigger provides incomplete information on conditions of vulnerability and needs. For instance, such data does not provide information on whether people were more vulnerable to disaster-related displacement because their capacity to cope had been weakened by the effects of conflict and violence. In Somalia, for example, informants highlighted the "interdependence in the motivations for movement" explaining "drought, conflict and insecurity are inextricably linked." Informants suggested that it can be "problematic to isolate single motivations for movement" noting that layers of complexity are insufficiently captured. While this approach was noted as a limitation, informants also recognized it as a compromise. Similarly, in Afghanistan, conflict was regarded as "the natural state of things" with "everything else" coming "on top if it." Informants stressed the need to understand the significance of different drivers of displacement on conditions of vulnerability and exposure, in addition to the proximate trigger, emphasising the importance of reporting complexity and abandoning "black and white" disaggregation. Informants in the Niger also explained the value of understanding historical and resource governance contexts, critiquing the tendency to view displacement through a narrow lens.

4.2 Instruments specific to internal displacement

This second series of observations relate to laws and policies specific to internal displacement in the five case study countries, as presented in table 4. A more detailed discussion of each instrument is available in the annexes to this report.

4.2.1. Four countries have adopted instruments specific to internal displacement and three include provisions relevant to displacement associated with both conflict and disaster.

Afghanistan, Colombia, the Niger and Somalia have at least one national law or policy on internal displacement: Colombia and the Niger have adopted laws, while Afghanistan and Somalia have adopted policies. Afghanistan, the Niger and Somalia define IDPs as including people who flee in the context of conflict, violence and disaster, among other triggers. As noted in table 4, the breadth of engagement with each trigger, insofar as they relate to prevention, emergency response and solutions, varies. The instruments reinforce the applicability of the

normative architecture irrespective of the trigger for displacement. They also include provisions that consider how conflict or disaster situations intersect with specific issues, such as arbitrary displacement. The instruments in Afghanistan, the Niger and Somalia cross-reference the 1998 Guiding Principles on Internal Displacement. Instruments in the latter two countries also cross-reference the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). As such, the instruments in Afghanistan, the Niger and Somalia frame the domestic normative standards in light of applicable global or regional norms.[146]

Colombia's instruments focus on conflict and violence, whereas efforts to adopt an IDPs-specific law in the Philippines stalled in 2013 after a presidential veto. More recently, there has been renewed momentum in the Philippines, with draft bills submitted to the legislature. Informants in the Philippines highlighted the importance of a rights-based and protection-sensitive legal architecture to guide conceptual clarity, understanding of duties and rights, IDPs participation and empowerment, the search for solutions and accountability, as well as operational predictability and effectiveness. In the absence of a specific law, operational responses on internal displacement and IDPs are underpinned by a DRR and DRM architecture (discussed in the next section) supplemented by instruments on children, women and indigenous people.

Table 4: Instruments specific to internal displacement in the case study countries

Country	Law or policy	IDPs definition: conflict *and* disaster? Other provisions address both? Reference to international and regional instruments?	Reference to interactions between conflict and disaster?	Reference to DRR / DRM concepts Reference to DRR / DRM framework?
Afghanistan	2013 National Policy on IDPs	Yes. Definition applies to both. Returnees included in IDPs definition. Other provisions reinforce application irrespective of cause. Specific provisions on each trigger. Drought not explicitly mentioned in definition of disaster or emergency. Yes. Reference to Guiding Principles.	Yes. Discusses cumulative impacts, and difficulties in disentangling drivers. Vulnerability is defined broadly. While it mentions hazards and extreme events, it does not explicitly reference conflict or violence.	References to DRR/DRM including early warning, contingency, etc. If it is not possible to return to homes due to disasters, measures are to be taken to relocate to safe and secure area. Cross-reference to domestic DRR/DRM law.
	2017 Policy Framework for Returnees and IDPs	IDPs not defined. Applies to internally displaced Afghans. Focus on conflict and violence.	No. Hazards or disasters not referenced.	No.

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[146] Of the 46 countries and territories included in the IDMC Internal Displacement Index 2020 Report (footnote 19), only 21 had national policies that referred both to disaster- and conflict-related displacement. Correspondence on file with the author.

		Cross-reference to above 2013 National Policy on IDPs. No explicit reference to Guiding Principles.		
	2018 Presidential Decree 305 (land identification and allocation to IDPs, returnees, martyrs)	IDPs not defined.\n\nIDPs associated with conflict and disaster not explicitly distinguished.	No.	DRR/DRM concepts referenced as they apply to the identification and suitability of land.
Colombia	Law 387 of 1997 (IDPs Law)	No. Limited to conflict and violence.\n\nNo. Adopted before Guiding Principles.	No.	No.
	Law 1448 of 2011 (Victims Law)	No. Definition of victims of forced displacement limited to conflict and violence. Victims of forced displacement who are also affected by disasters before or after becoming victims are not excluded from benefits.\n\nNo. Guiding Principles not referenced.	No. Except as noted in the previous column.	Provides compensation in-kind and relocation if material restitution of property (land) is not possible as a result of being located in areas at high risk of hazards or disasters.
Niger	2018 Law on Protection and Assistance to IDPs	Yes. Definition applies to both.\n\nOther provisions reinforce application irrespective of cause. Provisions largely generic but some specific provisions on each trigger.\n\nYes. Reference to Guiding Principles. Preamble reference to Kampala Convention.	No.	Return to places of origin or habitual residence prohibited when located in areas where there is a risk of danger or disasters.
Philippines	Not applicable	Not applicable.	Not applicable.	Not applicable.
Somalia	2019 National Policy on Refugee-Returnees and IDPs	Yes. Definition applies to both. IDPs defined to include pastoralists. Also covers forced evictions and secondary displacement.\n\nOther provisions reinforce application irrespective of cause. Specific provisions on each trigger.\n\nYes. Reference to the Guiding Principles and Kampala Convention as instruments that underpin policy.	Yes.\n\nDiscusses the complexity of displacement dynamics, the multi-faceted nature of displacement and the compounding effects of multiple drivers.\n\nVulnerability is not defined. Provision on vulnerability focuses on specific groups, such as women, children, the elderly and people with disabilities.	Yes.\n\nReferences to DRR and DRM concepts, including risk assessment and risk reduction. Also includes references to early warning and contingency planning applicable to multiple contexts, not just disasters.\n\nPatterns of displacement require a range of solutions. List of factors relevant to long-term

				security notes conflict and disaster dimensions.
	2019 Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and IDPs	IDPs not defined, but cross-reference to 2019 National Policy on Refugee-Returnees and IDPs. Yes. Reference to Guiding Principles and Kampala Convention as instruments that underpin policy.	No.	No.
	2019 National Eviction Guidelines	IDPs defined. Appears to reflect definition in Guiding Principles.	No.	No.

4.2.2. In two countries, instruments specific to internal displacement acknowledge interactions between conflict and disaster and their combined effects on people and displacement

Policy instruments in Afghanistan and Somalia acknowledge interactions between conflict and violence *and* hazards and disasters, as well as their combined implications for populations and displacement. For instance, from the outset, the Afghanistan 2013 National Policy on IDPs acknowledges the cumulative impacts of conflict and hazards on people in Afghanistan, recognizes conflict and disaster among the triggers of displacement and notes the complexity of their interactions and the difficulties of disentangling them. It recognizes that the impacts of ongoing conflict and human rights violations may be compounded by disaster or, conversely, that people affected by the adverse consequences of disasters might endure additional impacts on income and livelihood when conflict-related destruction undermines essential resources and infrastructure. Notably, the policy acknowledges that the combined effects of conflict and disasters may be among the factors that compel people to flee. Somalia's 2019 National Policy on Refugee-Returnees and IDPs also acknowledges that conflict, violence, hazard and disaster dynamics have historically affected the country and continue to heighten the scale and predicament of displacement. It acknowledges the complexity of displacement in Somalia and that the various patterns of internal displacement require different solutions. The fourth column in table 4 provides a brief overview of how instruments specific to internal displacement reference interactions between conflict and disaster.

4.2.3. Some displacement instruments refer to DRR and DRM concepts. Most discuss the viability of return to areas of origin in the context of hazard exposure and disaster risks.

Instruments specific to internal displacement in Afghanistan, Colombia, the Niger and Somalia contain references to DRR and DRM concepts, such as risk assessment, contingency planning activities and early warning mechanisms. The policies in Afghanistan and Somalia contain more detailed discussions. For instance, the Afghanistan 2013 National Policy on IDPs explicitly references the country's own domestic law on DRR and DRM. Notably, however, and as reflected in column five of table 4, most instruments consider the effects of hazard exposure and disaster risks regarding the viability of return to areas of origin and discuss alternatives when conditions make return unfeasible or inadvisable.

4.2.4. The development, reform and implementation of instruments specific to internal displacement provide opportunities to address displacement associated with conflict, disaster and their interplay.

In the case study countries, there are efforts to develop or enhance the normative architecture applicable to IDPs or improve implementation of existing instruments. This provides opportunities to address displacement associated with conflict, disasters and their interplay. For instance, in the Philippines, a process to adopt a new IDPs law that captures multiple triggers is a work-in-progress. Similarly, in Somalia, in addition to the 2019 adoption of a National Policy on Refugee-Returnees and IDPs and ongoing awareness-raising activities, a draft law is under consultation. The country also has subnational policy frameworks on internal displacement at the level of federal member states and efforts continue to harmonize these with the national framework. Discussions to revise the Afghanistan 2013 National Policy on IDPs to account for changes in the scale and dynamics of internal displacement have also begun. A national action plan to foster implementation is being developed; it focuses on durable solutions and incorporates insights and data from national and provincial authorities, IDPs and communities affected by displacement, including people affected by conflict, violence and disaster. Following the adoption of its 2018 Law on Protection and Assistance to IDPs, the Niger has adopted a number of subsidiary instruments, including on the modalities for application of the law and the operation and responsibilities of coordination or data collection bodies. These developments, reforms and implementation efforts offer opportunities to capture both conflict and disaster-related dimensions of IDPs assistance and protection across the displacement cycle. Indeed, all capacity-building and implementation initiatives also provide similar opportunities.

4.2.5. General impediments to the implementation of instruments specific to internal displacement may affect all IDPs. However, differences in treatment may arise if one trigger receives greater political, public or media attention.

In all five countries, informants highlighted general obstacles to the implementation of instruments specific to internal displacement. These included limited technical, financial and human resources; lack of awareness of applicable frameworks; insufficient budget allocations; limited political will and commitment; shifting political dynamics; staff attrition and turnover; and limited monitoring, evaluation and accountability mechanisms. In Afghanistan, implementation of the 2013 National Policy on IDPs has proved challenging for a range of reasons and the policy has remained a neglected resource.[147] Informants noted that while it is recognized as a robust, authoritative instrument, it has "suffered from slow implementation, uneven government commitment and institutional understanding and limited capacity to operationalize." Research suggests that awareness of the instrument is limited, particularly among provincial authorities and IDPs, who have limited understanding of their rights. In the Niger and Somalia, on the other hand, instruments have only been adopted in 2018 and 2019 and informants highlighted efforts to build capacity and create an enabling environment for implementation. In Colombia too, informants noted efforts to make progress in implementation, promote compliance and protect the rights of people displaced in the context of conflict and violence through advocacy, ombudsperson action and court decisions.

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[147] See the Afghanistan case study in annex 2, including "Study on the National Policy on Internally Displaced Persons" (Monica Sandri, 2018). Available from http://www.acbar.org/upload/1568887246591.pdf (accessed 16 March 2021).

The general impediments to implementation discussed above—such as political will, commitment and capacity—surfaced during informant interviews in all countries. These aspects may have different effects on responses to IDPs who flee in the context of disasters and/or in the context of conflict. In most of the case study countries, informants highlighted potential relationships between media, public or popular attention to a given crisis and resource mobilization and operational interventions. In other words, the "visibility" of an event or crisis based on the scale of displacement—but *also* based on media coverage, public attention and expressions of solidarity—may temper interventions and generate greater political pressure, particularly for emergency responses. Consequently, even if humanitarian responses are based on vulnerability and needs assessments—and are therefore not trigger-dependent in principle— certain IDPs populations may receive more robust support. For instance, informants explained that flood-related displacement in Somalia in 2018 and 2019 was on a larger scale than displacement related to drought and conflict, which tended to be more gradual and attract less attention. Equally, attention towards large-scale, drought-related displacement was perhaps more prominent in earlier years. In Colombia and the Philippines, visibility was also mentioned as relevant to the mobilization of responses, particularly during the emergency phase.

4.2.6. Courts, human rights institutions, other independent bodies and advocates are important allies for addressing displacement associated with conflict, disaster and their interplay, and for promoting the rights of all IDPs.

The evolution of responses towards victims of conflict and violence in Colombia and the adoption of child-specific instruments in the Philippines imply a prominent role of courts, independent bodies and advocates in fostering robust interventions towards IDPs. In Colombia, the Constitutional Court has held the government accountable to its obligations under laws on displaced persons. Courts, ombudspersons, national human rights institutions and other advocates have played notable roles in promoting and demanding compliance with applicable internal displacement laws and standards. They are important allies for addressing internal displacement and the rights of IDPs.

4.3 Disaster risk reduction and disaster risk management instruments

This third series of observations relate to DRR and DRM instruments in the five countries. The instruments are presented briefly in table 5, and discussed in more detailed in the annexes.

4.3.1. DRR and DRM instruments in the five countries reference displacement and displaced persons. The themes and scope of engagement vary.

As reflected in column three of table 5, all five countries have DRR or DRM instruments. The instruments in Afghanistan, the Niger, the Philippines and Somalia include at least one explicit reference to displacement or displaced persons. Somalia's 2017 National Disaster Management Policy contains an extensive discussion of displacement and displaced populations, including references to evacuations. The Philippines Disaster Risk Reduction and Management Act includes an explicit reference to "internally-displaced mothers". It also discusses evacuation-related arrangements. A strategic framework adopted pursuant to the Act cross-references the 1998 Guiding Principles on Internal Displacement and captures evacuation-related measures as key result areas for preparedness and response. As noted in table 5, references to displacement and displaced populations in the instruments adopted by Afghanistan and the Niger are limited.

The law in Colombia references the relocation and resettlement of populations, noting the need to avoid high-risk resettlements and to promote the relocation of high-risk populations.

Table 5: DRR and DRM instruments in the case study countries

Country	Law or policy	Explicit reference to displacement or displaced persons?	Reference to conflict or interactions between conflict and disaster?	Reference to IDPs instruments?
Afghanistan	2012 Law on Disaster Response, Management and Preparedness[148]	No.	No.	No. Preceded 2013 and 2017 policies.
	National Strategy for DRR Disaster Risk Reduction 2018–2030	Yes. One reference to displacement in a priority action on investing in DRR resilience. No references to displaced persons.	Yes, multiple. For example, one objective to strengthen coherence and integration between DRR, climate change adaptation, conflict and fragility, and development.	No.
Colombia	Law 1523 of 2012	No explicit references to displacement or displaced persons. References to relocation and resettlement, including avoiding high-risk resettlement and promoting the relocation of high-risk populations.	No. One peripheral reference to conflict resolution. Definition of vulnerability considers "fragility" of community with respect to adverse effects if a hazard occurs.	No.
Niger	2019 National Disaster Risk Reduction Strategy	Yes. For example, under a strategic theme on promoting investment in DRR for resilience, advocacy to encourage the adoption of policies and programmes concerning post-disaster displacement is mentioned in an action item on integrating risk reduction into emergency response planning.	Yes. Multiple. Reference to conflict over natural resources such as pastures and water, including drought as a trigger for conflict.	No.
Philippines	2010 Disaster Risk Reduction and Management Act	Yes. Evacuation-related arrangements are mentioned in multiple provisions. Local authorities should also endeavour to create special arrangements for internally displaced mothers.	Yes. The definition of "state of calamity" implicitly captures conflict, as does "complex emergency" as they discuss human-induced hazards or emergencies. Another reference articulates a policy to mainstream DRR into peace processes. The definition of vulnerability includes characteristics or circumstances of a community that make it susceptible to the damaging effects of a hazard. Although explanation of conflict-related dimensions are absent.	Not applicable.

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[148] It was not possible to obtain an official and authoritative version of this law. The version reviewed may contain errors. For further information, see the Afghanistan case study in annex 2.

| | 2011 Disaster Risk Reduction and Management Framework | Yes. Reference to Guiding Principles on Internal Displacement. Evacuation-related measures are key result areas for preparedness and response. | Yes. Recognizes conflict as cross-cutting and acknowledges overlap and interactions between conflict, disaster and climate risks. Emphasizes goal to mainstream DRR into peace processes and conflict-resolution approaches. | Not applicable. |
| **Somalia** | 2017 National Disaster Management Policy | Yes. Extensive, including references to evacuation. | Yes. Multiple references and recognition of the interactions between conflicts and hazards and their individual and combined impacts on the resilience of people. The scope of the instrument covers both natural and human-made hazards and disasters triggered by such factors. | No. Preceded 2019 National IDPs policy. |

4.3.2. DRR and DRM instruments in the five countries include varying references to conflict and interactions between conflict, hazards and disasters.

Column four of table 5 provides a brief overview of the different references to conflict and the interactions between conflict, hazards and disasters in DRR and DRM instruments. Somalia's 2017 National Disaster Management Policy contains a discussion of these themes. Natural and human-made hazards and disasters triggered by such factors fall within its scope. Various provisions discuss interactions between conflicts and hazards and their independent and combined impacts on the resilience and movement of people. The Philippines 2010 Disaster Risk Management Act also includes "state of calamity" and "complex emergencies" within its scope, with an explicit reference to a policy to mainstream DRR into peace processes. This is further emphasized as a goal in the strategic framework adopted pursuant to the Act. The document also recognizes conflict as a cross-cutting issue and acknowledges overlaps between conflict and disaster, and climate risks. Afghanistan's National Strategy for Disaster Risk Reduction 2018–2030 contains multiple references to these themes, including an objective to strengthen coherence and integration between DRR, climate change adaptation, conflict and fragility, and development. In the Niger, the 2019 National Disaster Risk Reduction Strategy engages with these themes, with a particular focus on interactions as they relate to tensions or conflict over resources. Treatment of conflict-related themes is limited in Colombia's law, although its definition of vulnerability may perhaps provide scope to consider populations previously affected by conflict or violence.

4.3.3. Subsidiary DRR and DRM instruments may include deeper engagement on displacement, IDPs and conflict, including its interactions with disaster

Some countries have adopted subsidiary instruments pursuant to national laws or policies on DRR and DRM. This research has not examined such documents, which include regulations, decrees, action plans and operating procedures. However, an ad hoc and preliminary review of some documents, particularly in the Philippines, suggests subsidiary instruments may include more detailed discussions on displacement, IDPs, conflict and violence and the interactions between displacement associated with conflict, hazards, disasters and climate change.

4.4 Institutional and coordination mechanisms

This fourth series of observations relate to institutional and coordination mechanisms for internal displacement, DRR and DRM in the five case study countries, as summarized in table 6. The observations are derived from the bodies, actors and arrangements mentioned in legal and policy instruments. In the course of interviews, informants alluded to changes in the institutional and coordination arrangements and explained that some mechanisms were inoperative or had been superseded. While efforts have been made to ensure the discussion in this section remains current, the fluidity of changes means the observations may not fully capture the reality on the ground. A more detailed discussion of the institutional and coordination architecture in the five countries can be found in the annexes.

4.4.1. Most countries have a high-level, interministerial or multi-stakeholder mechanism, complemented by a lead actor mandated with responsibilities for internal displacement. Some lead actors also have representation at subnational levels.

In general, the instruments specific to internal displacement in Afghanistan, Colombia, the Niger and Somalia establish high-level, interministerial and/or multi-stakeholder bodies with policy direction, oversight and coordinating responsibilities on internal displacement issues. Table 6 identifies these bodies. More information on the composition of the interministerial or multi-stakeholder bodies is highlighted in the case study annexes.[149]

The instruments also establish ministerial or institutional actors mandated with wide-ranging responsibilities to coordinate and address internal displacement.[150] In some countries, one lead actor is identified. For instance, in Colombia, where the responses to internal displacement are focused on conflict and violence, the Special Administrative Unit for Care and Comprehensive Reparation of Victims (also known as the Victims Unit) is the lead operational actor. It serves as the technical secretariat of the Executive Committee for the Care and Reparation of Victims (the high-level multi-stakeholder body). The unit also carries out its functions across the country, with presence at subnational levels.

In the Niger, the Ministry of Humanitarian Affairs and Disaster Management, which was established in 2016, has lead responsibility for many aspects of internal displacement. However, it is not referenced in the country's 2018 Law on Protection and Assistance to Internally Displaced Persons, despite having overarching responsibility for its development. An interministerial, multi-stakeholder National Coordination Committee, established under the aforementioned law to facilitate coordination and decision-making with the government and among other relevant stakeholders, is chaired by and housed under the Ministry of Humanitarian Affairs and Disaster Management. Movements in the context of drought are yet to be recognized as displacement in the Niger, and accordingly other actors are responsible for

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[149] For instance, the case studies provide some information on the inclusion of actors addressing development, climate change and security within the membership of these bodies. See also the discussion in section 4.5.
[150] For more on applicable guidance related to institutional actors, see, for example, "Addressing Internal Displacement: A Framework for National Responsibility" (The Brookings Institution and the University of Bern, 2005). Available from www.refworld.org/docid/4d357f4f2.html (accessed 16 March 2021); footnote 26. See also, the guidance noted in footnote 18, including article 3.2(b) of the Kampala Convention.

supporting such populations, although the Ministry of Humanitarian Affairs and Disaster Management may also be engaged.

Afghanistan's 2013 National Policy on IDPs notes that the Ministry of Refugees and Repatriation (MoRR) is the lead ministry for internal displacement, as well as being the institutional focal point and provider of last resort. The national policy also establishes a high-level interministerial coordination committee on refugees, returnees and IDPs, chaired by MoRR, although it is not clear if the committee remains operational. MoRR carries out subnational activities through its directorates of refugees and repatriation. Notably, Afghanistan's national policy explicitly references the Afghanistan National Disaster Management Authority (ANDMA), which is described as the designated lead agency with the mandate to address the immediate, short-term emergency needs of persons affected and displaced by disasters. The national policy also mentions the National High Commission for Disaster Management (also known as the National Disaster Management Commission), which is discussed further below. Key bodies and actors are also mentioned in other instruments specific to internal displacement, although it has been difficult to determine if they remain operational, the scope of mandates and how responsibilities intersect with MoRR, subnational directorates and ANDMA.

Recognizing the need for engagement across ministries and governmental levels, Somalia's 2019 National Policy on Refugee-Returnees and IDPs provides for an interministerial task force for refugee-returnees and IDPs comprising federal ministries, federal member states and other counterparts. Under the policy, the National Commission for Refugees and IDPs, which was established in 2016, is tasked with facilitating meetings and providing technical support. The members of the interministerial task force include the Ministry of Humanitarian Affairs and Disaster Management (MoHADM), the Ministry of Planning, Investment and Economic Development (MOPIED), the Ministry of Interior, Federal Affairs and Reconciliation and federal member states and subnational counterparts (such as the Benadir Regional Administration). Each of these actors—the National Commission for Refugees and IDPs, MoHADM, MOPIED and the Ministry of Interior, Federal Affairs and Reconciliation all appear to have various mandates

and responsibilities in relation to internal displacement and IDPs.[151] In Somalia, efforts have also focused on institutional mechanisms for durable solutions with a durable solutions unit and a durable solutions secretariat established under MOPIED. The federal structure in Somalia has also meant that in some federal member states, there are instruments for internal displacement that define the responsibilities and mandates of relevant subnational actors.

Finally, in the Philippines, the Department of Social Welfare and Development has lead responsibility for IDPs under the DRM framework (discussed below).

Table 6: Key institutional and coordinating actors on IDPs, DRR and DRM

Country	IDPs and internal displacement		DRR and DRM	
	Lead (focal) authority (national, subnational)	Multi-stakeholder policy & coordination mechanisms (national, subnational)	Lead (focal) authority (national, subnational)	Multi-stakeholder policy & coordination mechanisms (national, subnational)
Afghanistan[152]	Ministry of Refugees and Repatriation (MoRR), under 2013 National Policy on IDPs. Provincial directorates of refugees and repatriation. Provincial authorities are responsible for action plans at the provincial level, including durable solutions. DRR and DRM actors, referenced in the corresponding columns also have responsibilities for displacement associated with disasters.	Interministerial Coordination Committee on Refugees, Returnees and IDPs.[153] MoRR chairs the Interministerial Coordination Committee.	The Afghanistan National Disaster Management Authority (ANDMA) is required to coordinate with MoRR and provincial directorates of refugees and repatriation. State Minister for Disaster Management and Humanitarian Affairs.	National Disaster Management Commission (also known as the National High Commission for Disaster Management) with membership of over 20 ministries, including Minister for Refugees and Repatriation. ANDMA serves as the secretariat and executing body. Provincial disaster management committees with ANDMA provincial directors serving as secretariat and operational arm. Directorates of refugees and repatriation are members. District disaster management committees.
	Displacement and Return Executive Committee jointly chaired by the Office of the Chief Executive, MoRR and others, under 2017 Policy	High Migration Council (chaired by the President) and Council of Ministers Subcommittee on Migration Affairs		

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[151] However, as at the end of 2020, the interministerial task force may not have been set up. The main bodies through which IDPs issues are addressed may be the Cabinet Committee on Social Development (chaired by the Prime Minister) and the Secretariat for Durable Solutions. In addition, a sub-working group on migration, displacement and durable solutions within the context of the Somalia Development and Reconstruction Facility resilience pillar has provided the forum for aid coordination at the operational level, although this may be superseded by new arrangements. Correspondence on file with the author.

[152] This table includes compartmentalized sections to reflect the three policies specific to internal displacement noted in table 4, as different institutional actors are noted in each policy.

[153] It is not clear if this body is operational.

	Framework on Returnees and IDPs.[154] MoRR is represented in three working groups. ANDMA is not represented but is mentioned regarding winterization.			
	MoRR jointly leads the Executive Committee (noted in the next column) with other actors, under Presidential Decree 305).	High Commission for Migration and Interministerial Executive Committee for Returnees, IDPs and Martyrs' Families.		
Colombia	Special Administrative Unit for Care and Comprehensive Reparation of Victims (Victims Unit).	Executive Committee for the Care and Reparation of Victims. The Victims Unit serves as the technical secretariat of the Executive Committee.	National Unit for Disaster Risk Management (Risk Management Unit). Disaster Risk Management Councils.	National Council for Risk Management, which includes the President, various ministers and the National Planning Department but not the Victims Unit. The Risk Management Unit serves as the secretariat. Three inter-institutional national committees on risk awareness, risk reduction and disaster management.
Niger	Ministry of Humanitarian Action and Disaster Management. Directorate of Civil Protection.	National Coordination Committee for the Protection and Assistance of IDPs, under the Ministry of Humanitarian Affairs and Disaster Management.[155] National Prevention and Coordination Observatory.[156]	Permanent Monitoring and Evaluation Secretariat Implementation involves Ministry of Humanitarian Affairs and Disaster Management and the Ministry of Interior and its Directorate of Civil Protection.	National Platform for DRR. National Food Crisis Prevention and Management System. National Steering Committee.
Philippines	Department of Social Welfare and Development, as authorized under the DRM law and other instruments.	Not applicable.	The Department of National Defence, the Department of Interior and Local Government, the Department of Social Welfare and Development, the Department of Science and Technology and the National Economic and Development Authority.	National Disaster Risk Reduction and Management Council. The Office of Civil Defence serves as the secretariat. Regional and local DRR and management councils.

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[154] Ibid.
[155] This body may be in the process of being operationalized.
[156] Ibid.

			The Office of Civil Defence. Local government units. Local DRR and management office.	Barangay DRR and management committee.
Somalia	National Commission for Refugees and IDPs. Ministry of Humanitarian Affairs and Disaster Management (MoHADM). Ministry of Planning, Investment and Economic Development (MOPIED), including Durable Solutions Unit and Durable Solutions Secretariat. Ministry of Interior, Federal Affairs and Reconciliation. Relevant institutions within the federal member states and the Benadir Regional Administration.	Interministerial Task Force for Refugee-Returnees and IDPs.[157] The National Commission for Refugees and IDPs facilitates meetings and provides technical support. Members include MoHADM, MOPIED, Ministry of Interior, Federal Affairs and Reconciliation, federal member states and Benadir Regional Administration counterparts.	MoHADM. Relevant institutions within the federal member states and the Benadir Regional Administration. Somalia Disaster Management Coordination Group convened by MoHADM.	National Disaster Management Council (NDMC) (range of Ministries, including MoHADM, MOPIED, Ministry of Interior, Federal Affairs and Reconciliation). MoHADM acts as *ex officio* secretary. Federal member states disaster management authorities (if established).

4.4.2. Most countries have a high-level, interministerial or multi-stakeholder mechanism on DRR and DRM. A lead coordinating actor mandated with responsibilities for DRR and DRM complements some of these bodies. Some lead actors have representation at subnational levels.

In general, the DRR and DRM instruments in the five case study countries establish high-level, interministerial and/or multi-stakeholder bodies with policy oversight and coordinating responsibilities. Table 6 identifies these bodies. The instruments also establish ministerial or institutional actors mandated with wide-ranging responsibilities to coordinate and address DRR and DRM. In some countries, one lead actor is identified.

As noted above, DRR and DRM actors in Afghanistan (ANDMA and the National Disaster Management Commission (also known as the National High Commission for Disaster Management)) are referenced in the 2013 National Policy on IDPs, as they have responsibilities for disaster-related displacement. The roles and responsibilities of these actors are reiterated in the Afghanistan National Strategy for Disaster Risk Reduction 2018–2030. As a nodal agency, ANDMA has a mandate to coordinate and manage all aspects related to disaster mitigation, preparedness and response, including through its national and provincial offices. In 2015, a State Minister for Disaster Management and Humanitarian Affairs was appointed, also serving as the chair of ANDMA. The high-level, interministerial National Disaster Management Commission is

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[157] It is not clear if this body has been established.

responsible for management of all disaster-related affairs and is the principal body for national policy direction on DRR through vulnerability reduction and emergency response. ANDMA is its secretariat. Provincial and district DRM committees also exist, led by the corresponding governors. Provincial representatives of ANDMA serve as the secretariat and operational arm of provincial committees.

In Colombia, the National Unit for Disaster Risk Management (Risk Management Unit) is the lead actor on DRM. It is in charge of coordinating and implementing the National Disaster Risk Management System, including legal, policy and strategic development, technical assistance, and support and monitoring for populations affected by disasters. The responsibilities of the National Council for Risk Management, a high-level, multi-stakeholder body includes guiding and approving risk management policies and other instruments and advising the President. The Risk Management Unit (or its representative) serves as secretariat of the council. Other relevant governing bodies under the system are the governors and district or municipal mayors, who have responsibilities for their respective territorial jurisdictions. Law 1523 of 2012 also establishes multi-stakeholder disaster risk management councils as territorial coordination, advisory and planning bodies at the departmental, district and municipal levels, which include a representative of the Risk Management Unit. The unit is responsible for preparing national planning documents with input from these and other bodies.

A multi-stakeholder, high-level National Platform for DRR, established in 2012 under the Office of the Prime Minister, has overall responsibility for DRR in the Niger. The platform brings together State and non-State stakeholders to implement the 2019 National DRR Strategy in accordance with national policies, laws and regulations at the local, regional and national levels. The Office of the Prime Minister holds the presidency of the platform as well as the presidency of another key body, the National Food Crisis Prevention and Management System.[158] Implementation of the DRR strategy involves the Ministry of Humanitarian Affairs and Disaster Management, which has lead responsibility for IDPs, and other relevant ministries, including the Ministry of Interior, Public Security, Decentralization and Customary and Religious Affairs and its Directorate General for Civil Protection. This latter ministry and its directorate may also be involved in IDPs response. The DRR strategy notes that the Ministry of Humanitarian Affairs and Disaster Management and the National Food Crisis Prevention and Management System have been established to coordinate DRR interventions, which the Niger has opted to decentralize. A high-level National Steering Committee comprising heads of agencies, including representatives of the Prime Minister, the Ministry of Humanitarian Affairs and Disaster Management and the National Food Crisis Prevention and Management System, is the strategic steering body that oversees implementation. A Permanent Monitoring and Evaluation Secretariat, provided by the secretariat of the platform, is responsible for technical implementation of the strategy.

The 2010 Philippine Disaster Risk Reduction and Management Act established (or folded a pre-existing body) into the high-level, inter-agency, multi-stakeholder National Disaster Risk Reduction and Management Council, which includes heads of government departments and representatives of civil society and the private sector. It has wide-ranging and overall authority

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[158] The National Food Crisis Prevention and Management System was responsible for coordinating responses to food and security crises and to flood-related disasters. Since 2016, the Ministry of Humanitarian Affairs and Disaster Management overseas responses to internal displacement associated with conflicts and disasters-related to floods, among others, while the National Food Crisis Prevention and Management System is primarily focused on crises related to food security. See the Niger case study in annex 4 for further information.

for policymaking, coordination and supervision, as well as for advising the President. The secretary of the Department of National Defence chairs the council and has the power to call the Philippines reserve forces to assist in relief and rescue during disasters and calamities. The council has four vice chairs, each with a different area of responsibility: (1) the Secretary of the Department of Interior and Local Government is responsible for disaster preparedness; (2) the Secretary of the Department of Social Welfare and Development is responsible for disaster response; (3) the Secretary of the Department of Science and Technology is responsible for disaster prevention and mitigation; and (4) the Director General of the National Economic and Development Authority covers disaster rehabilitation and recovery. The Office of Civil Defence is the secretariat of the council and has extensive and diverse functions and responsibilities, including advising the national council, developing and implementing national standards, advising, reviewing, evaluating and providing local technical assistance, and capacity-building.

The Act decentralizes and devolves authority, responsibility and resources to subnational and local authorities. In this respect, it establishes disaster risk reduction and management councils at the regional, provincial, local and barangay levels. Representatives of the Office of Civil Defence and the four government departments have leadership roles in some of these subnational bodies. The Act also establishes a local disaster risk reduction and management office in every province, under the office of the governor, the city mayor or the municipal mayor, as applicable. Coordination and leadership in the context of emergencies, including preparing for, responding to and recovering from the effects of disasters is determined according to specific criteria, with responsibility determined by the scope of the geographic effects. Local government units have the primary responsibility as first responders.

Somalia's 2017 National Disaster Management Policy gives the Office of the Prime Minister overall responsibility for providing leadership and political space as part of a whole-of-government approach to comprehensive disaster management. The MoHADM, which was established in 2016 as a nodal ministry and has responsibilities for humanitarian responses in the context of internal displacement, has overall responsibility for facilitating all aspects of disaster management and ensuring it is mainstreamed in the public and private sectors. Some of its responsibilities are to be conducted in conjunction or in consultation with federal member states, and the MoHADM is required to establish coordination mechanisms at the national level and facilitate the formation of similar mechanisms in federal member states. At the national level, these coordination mechanisms include a National Disaster Management Council as a high-level, interministerial body that governs and oversees disaster management strategy and provides overall direction and guidance. The NDMC is chaired by and reports to the Prime Minister and includes the MoHADM, MOPIED and the Ministry of Interior and Federal Affairs. As noted above, all these actors also have responsibilities in relation to internal displacement. The MoHADM acts as the *ex officio* secretary of NDMC.

4.4.3.   The instruments specific to internal displacement in some countries include explicit references to actors focusing on DRR and DRM and mechanisms for coordination between them. DRR and DRM instruments in some countries also include explicit references to actors focusing on internal displacement and mechanisms for coordination between them. In some instances, lead actors on internal displacement also have responsibilities for DRR and DRM.

As reflected in the preceding discussion and in table 6, some instruments specific to internal displacement cross-reference DRR and DRM frameworks and institutional actors. Similarly, some of the DRR and DRM instruments also cross-reference frameworks and actors responsible for internal displacement, albeit perhaps to a lesser extent. In some instances, lead actors for internal displacement also have responsibilities for DRR and DRM.

In Afghanistan, ANDMA and the National Disaster Management Commission are mentioned in the 2013 National Policy on IDPs. As previously noted, ANDMA is the designated lead actor with a mandate to address the immediate emergency needs of people affected and displaced by disasters, while MoRR is the lead actor on internal displacement and the institutional focal point. The national policy notes that ANDMA is required to coordinate with MoRR at the national level and with directorates of refugees and repatriation at the provincial levels on all its activities and programmes concerning displacement. As noted in the Afghanistan National Strategy for Disaster Risk Reduction 2018–2030, the National Disaster Management Commission includes over 20 ministries and agencies that represent key sectors with critical roles in managing disasters. The Minister for Refugees and Repatriation is a member of the National Disaster Management Commission. In addition, the directorates of refugees and repatriation are members of the provincial disaster management committees. The national policy also requires provincial actors, in consultation and coordination with other relevant stakeholders, to develop a strategy to address provincial displacement situations, with an action plan focused on finding durable solutions for displaced people in their jurisdiction. Guidelines on the development of such plans discuss the relevance of ANDMA. Other IDPs-specific policies also mention ANDMA, including Presidential Decree 305 of 2018, relating to the allocation and identification of suitable land for IDPs, which notes that MoRR and ANDMA are represented in land identification committees. Standard operating procedures on the coordination of emergency responses to IDPs adopted in 2019 between MoRR and the United Nations Humanitarian Coordinator were developed with support from ANDMA and discuss its responsibilities. The procedures were developed to further clarify the roles and responsibilities set out in policy instruments and to better support operational practice. Informants noted that a more recent memorandum of understanding between MoRR and ANDMA might further clarify responsibilities.

In Colombia, cross-coordination mechanisms are not as clearly apparent. In practice, informants noted that in situations of "double affectation" – where people displaced in the context of conflict and violence are also affected by or displaced in the context of disaster or vice versa – both legal frameworks apply and both the Victims Unit and the Risk Management Unit have responsibilities and obligations, each being required to provide the support set out in the respective laws and policies. This means a person can be a beneficiary of both systems and the responses by the two units are generally separate and not necessarily coordinated. Mechanisms to address double affectation have not necessarily been articulated in the laws. However, the relevant assistance is often provided through local bodies, which means local coordination and responses may engage the same government authorities, actors and committees, including mayors and governors. Nonetheless, the responses in every municipality or department of Colombia may not eventuate as explained, since resources and capacities influence how each system responds to emergencies. Informants also noted a greater recognition and willingness on the part of each unit to coordinate responses and highlighted efforts to articulate coordination protocols for double affectation, particularly with respect to humanitarian assistance.

In the Niger, the Ministry of Humanitarian Affairs and Disaster Management is the key actor for internal displacement. It is also engaged in the implementation of DRR and DRM frameworks, particularly for floods. In this respect, it has the capacity to provide inputs into both frameworks.

In Somalia, the MoHADM has responsibilities for humanitarian response in the context of internal displacement and overall responsibility for facilitating all aspects of disaster management. On the latter, the ministry is tasked with establishing coordination mechanisms at the federal level and facilitating the creation of similar mechanisms at the level of federal member states. Other actors engaged in internal displacement, including MOPIED and the Ministry of Interior and Federal Affairs, are also members of the NDMC, the high-level, interministerial body that governs and oversees disaster management at a strategic level and provides overall direction and guidance. However, this does not necessarily mean there is coordination between the relevant political or technical leads responsible for internal displacement or DRR and DRM within these bodies.

Finally, in the Philippines, under the 2010 Philippine Disaster Risk Reduction and Management Act, the Department of Social Welfare and Development is responsible for disaster response, including internal displacement and IDPs. It is one of four vice chairs of the National Disaster Risk Reduction and Management Council, together with the Secretary of the Department of Interior and Local Government, which is responsible for disaster preparedness, the Secretary of the Department of Science and Technology, which is responsible for disaster prevention and mitigation, and the Director General of the National Economic and Development Authority, which covers disaster rehabilitation and recovery.

4.5 Climate change and development instruments

This fifth and final series of observations relate to climate change and development instruments in the five case study countries. The instruments are summarized in table 7. The observations discuss references to displacement, IDPs, conflict and relevant institutional actors. The research placed secondary emphasis on climate change and development instruments during the desk review phase. Moreover, questions on these themes were not prioritized during informant interviews. A more detailed discussion of climate change and development instruments is available in the annexes to this report.

4.5.1.   Climate change instruments in the five countries do not reference or minimally reference displacement or displaced persons.

Four countries have adopted a specific instrument on climate change. Colombia has adopted a law and a policy, the Philippines has adopted a law and a strategic framework pursuant to the law and Afghanistan and the Niger have policies in place.[159] In Somalia, a draft national climate change policy was being finalized at the time of the research. As shown in column three of table 7, Colombia's 2017 National Policy on Climate Change includes three general references to displacement, while the other instruments do not explicitly reference displacement or IDPs.[160]

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[159] It has been difficult to conclusively determine whether the Niger National Policy on Climate Change has been officially adopted. The available instrument from 2012 indicates that it is a draft, while also noting that it is a final report. See the Niger case study in annex 4 for further information.

[160] Afghanistan's policy could not be reviewed as it was unavailable or inaccessible in English.

Informants noted that Somalia's draft policy discusses displacement and IDPs and includes contextual discussion of the effects of climate change on displacement triggers and drivers. However, displacement or IDPs may not be prominently featured in the sections on recommendations and action items.[161]

4.5.2. National adaptation programmes of action, national adaptation plans and intended nationally determined contributions in the five countries do not reference or minimally reference displacement or displaced persons.

States have submitted NAPs, NAPAs or INDCs under the UNFCCC. As the first column of table 7 shows, all five countries have submitted an INDC. Afghanistan, the Niger and Somalia have submitted NAPAs. Colombia is the only country that has submitted a NAP. In general, these instruments include minimal explicit references to displacement or displaced populations. Somalia's INDC contains one contextual reference to displacement in a discussion on an adaptation project to reduce risks among vulnerable populations. None of the other four INDCs discuss IDPs or internal displacement. Somalia's NAPA contains multiple references to displacement, IDPs and relocation. The NAPAs for Afghanistan and the Niger do not address these themes. The NAP for Colombia briefly mentions displacement. It also discusses the need to include relocation solutions in regional and local development plans.

4.5.3. References to conflict in climate change instruments tend to provide background information about conflict in the country or emphasize conflicts over resources.

Climate change laws and policies and NAPs, NAPAs and INDCs appear to include more discussion on conflict as compared to displacement and IDPs. References tend to provide contextual information on the conflict situation in the country or emphasize conflicts in terms of access or use of resources, including water and land. In two instances, a connection is also made with nomadic movements. Afghanistan's INDC and NAPA both reference conflict. Colombia's National Policy on Climate Change, NAP and INDC all mention conflict. The Niger's National Policy on Climate Change also mentions conflict, as do the INDC and NAPA for Somalia. Somalia's NAPA lists conflict prevention and peacebuilding as guiding principles. In general, beyond references to access to and use of resources, these instruments contain little discussion of the compound effects of conflict and climate change or conflict and hazards on vulnerability or coping capacity and the potential for flight.

4.5.4. Coordination mechanisms between institutions responsible for climate change and those responsible for internal displacement appear limited. However, the institutions responsible for addressing climate change may have relatively stronger coordination arrangements with DRR and DRM institutions.

The reviewed instruments suggest that some national institutions responsible for addressing climate change may coordinate with institutions responsible for DRR and DRM. However, in

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[161] Although IDPs and displacement are minimally referenced in these instruments, this does not mean scattered references to other forms of human mobility, including transhumance movement, are not mentioned. Moreover, subsidiary instruments adopted pursuant to national frameworks, subnational instruments and operational and implementation documents have not been reviewed to determine if they consider IDPs, or other forms of mobility.

general, institutions responsible for addressing internal displacement are not necessarily mentioned in coordination arrangements for addressing climate change.

4.5.5. Development instruments reference displacement and displaced persons to varying degrees. Some references also relate to solutions for displaced persons.

Displaced persons and displacement are discussed in the development plans of the case study countries, although the themes and breadth of discussions vary. Some references make a connection with addressing solutions for IDPs. Afghanistan's 2017–2021 Peace and Development Framework recognizes the need to ensure a better future for IDPs and the need to find solutions. It discusses inclusive development and highlights the need to ensure that IDPs are included in the development process. It has not been possible to undertake a detailed review of Colombia's extensive 2018–2022 National Development Plan: Pact for Colombia, Pact for Equity. However, informants have noted that it contains a strong focus on victims, which includes those displaced in the context of conflict and violence. The Philippine National Development Plan for 2017–2022 discusses displacement, particularly in relation to reducing vulnerability. It also contains an explicit reference to protecting the rights and promoting the interests of IDPs affected by conflict. The document discusses evacuation as it relates to conflict and disaster and relocation and resettlement in the context of disaster. IDPs and internal displacement feature extensively in Somalia's National Development Plan 2020–2024: The Path to a Just, Stable and Prosperous Somalia. IDPs are recognized as one of the most vulnerable groups in the country and durable solutions to long-term displacement are prioritized as a cross-cutting imperative. One overall metric for the success of the national development plan is the return, resettlement and integration of IDPs. Other IDPs-specific metrics also feature throughout the document.

4.5.6. Some development instruments in the five countries discuss conflict and recognize the interactions between conflict and disaster.

All the development instruments contain references to conflict and many also discuss interactions between conflict and disaster, particularly in background discussions. Afghanistan's 2017-2021 Peace and Development Framework discusses the impacts of war on disasters, while the Niger 2035: Strategy for Sustainable Development and Inclusive Growth Strategy: A Prosperous Country and a Prosperous People (two volumes) highlights conflicts between pastoralists and farmers. The Philippine plan references conflict and related vulnerability, while Somalia's plan notes both conflict and disaster as key drivers of displacement, recognizing that they have led to substantial displacement. While further research is necessary to gather more detailed insights, in general, actors with responsibilities for development are also included in the interministerial or multi-stakeholder bodies responsible for addressing internal displacement in some countries.

Table 7: Climate change and development instruments and institutions

Country	Climate change or development Instrument	References to displacement, IDPs, conflict and interactions?	Institutional actors as noted in instruments with informant input
Afghanistan	2019 National Climate Change Strategy and Action Plan.	Not available in English (unable to obtain a translation).	Not applicable.

	2015 INDC.	No references to displacement or IDPs. Background reference to war.	National Environment Protection Authority.
	2009 NAPA (with National Capacity Needs Self-Assessment for Global Environmental Management) (NAP not submitted).	No references to displacement or IDPs. Contextual references to conflict and conflict over resources.	National Environment Protection Authority.
	2017–2021 National Peace and Development Framework.	Notes the need to ensure a better future for IDPs, who are seen as a challenge and opportunity, and the need to find solutions. Notes the citizens' charter to promote inclusive development and highlights the need to ensure IDPs are included in development process. Contextual references to conflict and disaster, including the impact of war on disasters.	High Economic Council and Development Councils.
Colombia	Law 1931 of 2018.	No reference to displacement or IDPs. No reference to conflict or interactions. Recognizes links with DRR and notes Law 1523 of 2012.	Intersectoral Commission on Climate Change. National Council on Climate Change. The Risk Management Unit is part of this body.
	2017 National Policy on Climate Change.	Includes three general references to displacement. References to conflict relate to access and use of resources or post-conflict framework.	Intersectoral Commission on Climate Change.
	2016 NAP (submitted in 2018) (NAPA not submitted).	Explicit reference to displacement, although instrument does not elaborate in detail. Also notes the need to include relocation solutions in development plans. Notes conflicts over resources.	Ministry of Environment and Sustainable Development. National Planning Department. Risk Management Unit engaged in development.
	2015 INDC.	No reference to displacement or IDPs. Two references to conflict scenarios.	Ministry of Environment and Sustainable Development.
	2018–2022 National Development Plan: Pact for Colombia, Pact for Equity.	References to displaced victims and displacement. References conflict.	The National Planning Department.
Niger	2012 National Policy on Climate Change (draft).	No reference to displacement or IDPs. Notes transhumance movements likely to exacerbate conflicts over resources.	National Council of the Environment for Sustainable Development. National Technical Commission on Climate Change and Variability.
	2015 INDC.	No reference to displacement or IDPs. No reference to conflict or interactions.	Ministry of Environment, Urban Hygiene and Sustainable Development.

			National Council of the Environment for Sustainable Development.
	2006 NAPA.	No references to displacement or IDPs. No reference to conflict or interactions.	National Environmental Council for Sustainable Development.
	The Niger 2035 – Strategy for Sustainable Development and Inclusive Growth: A Prosperous Country and a Prosperous People (two volumes).	No references to displacement or IDPs. Yes, reference to conflict, including between pastoralists and farmers.	Ministry of Planning.
Philippines	2009 Climate Change Act.	No reference to displacement or IDPs. No reference to conflict or interactions.	Climate Change Commission, which includes the Department of Interior and Local Government, the Secretary of the Department of National Defence (as chair of the National Disaster Risk Reduction and Management Council) and at least one sectoral representative from the DRR community. Climate Change Office.
	2010–2022 National Framework Strategy on Climate Change (pursuant to law above).	No references to displacement or IDPs. No reference to conflict or interactions.	Climate Change Commission.
	2015 INDC.	No references to displacement or IDPs. No reference to conflict or interactions.	Climate Change Commission and Cabinet Cluster on Climate Change, Adaptation and Mitigation.
	2017–2022 Philippine Development Plan.	Some references to displacement and one reference to IDPs with a focus on protecting rights and promoting the interests of IDPs affected by conflict. References to displacement occur in the context of reducing vulnerability. The document also mentions evacuation, relocation and resettlement in the context of disasters and evacuation in the context of conflict. References to conflict and related vulnerability.	National Economic and Development Authority (also one of the four vice chairs of the National Disaster Risk Reduction and Management Council and responsible for rehabilitation and recovery).
Somalia	2015 INDC.	One reference to displacement: rationale for adaptation project to reduce risks among vulnerable populations recognizes displacement stemming from drought and increased incidence of conflict over natural resources. Other references to conflict, many regarding conflicts over resources.	Does not discuss institutional arrangements. (Possibly) the Department of Environment under Office of Prime Minister.

	2013 NAPA. (NAP not submitted)	Multiple references to IDPs and internal displacement and relocation. Contextual discussions of conflict, droughts, floods and displacement due to hazards and conflict. Also references to conflicts over resources, such as water and pasture land, including mentions of farmers, herders and nomadic groups. Conflict prevention and peacebuilding listed among the guiding principles of the NAPA.	The Ministry of Natural Resources in consultation with the governments of Puntland and Somaliland. Also, final workshop conducted with what was then the Ministry of Environment. (Possibly) the Department of Environment under Office of Prime Minister
	Somalia National Development Plan 2020–2024: The Path to a Just, Stable and Prosperous Somalia (NDP 9).	Internal displacement and IDPs feature extensively, with IDPs recognized as one of the most vulnerable groups in Somalia. Durable solutions to long-term displacement are prioritized as a cross-cutting imperative and solutions are included in the metrics for measuring the success of the NDP 9, which is also the mechanism for implementation of the National Policy on Refugee-Returnees and IDPs. Notes conflict and disaster as key drivers and recognizes that conflict and disaster, including climate-related hazards, have led to substantial displacement.	Ministry of Planning, Investment and Economic Development.

V IMPLICATIONS FOR POLICY AND PRACTICE IN CONFLICT AND DISASTER SETTINGS

This section draws a number of implications from the observations highlighted in the preceding section. The implications relate to settings where conflict and disaster occur in distinct areas within a country or converge and interact. They may be of interest to a wide range of policymakers and practitioners working in national and subnational contexts. This includes government officials and humanitarian, risk reduction, climate change and development actors. While the implications may not be relevant in every context or equally applicable to all actors, they are offered to encourage reflection on potential complexities in environments where such actors must work together to prevent, address and solve displacement. The implications also provide insights for actors interested in reducing divides between policy and practice.

1. **A holistic understanding of conditions of vulnerability, exposure and risk at national and subnational levels is important for orienting policy and practice on internal displacement.**

As the case studies demonstrate, in countries affected by both conflict and disaster, there is considerable variety in the nature and scale of conflict and violence; the nature of hazards and disasters; the ongoing and anticipated adverse effects of climate change; the demographic make-up of populations; and the structural and governance factors that underpin displacement. These dynamics demonstrate the importance of context-specific and granular understandings of conditions of vulnerability, exposure and risks. A holistic understanding of "risk landscapes" across multiple levels may yield insights on factors that influence individual and household decision-making processes to complement sectoral or top-down approaches.

This includes appreciating the heterogeneity in conflict and violence at the national and subnational levels. Conflict and violence may stem from family- and clan-based conflicts; ethnic, communal, criminal and gang violence; and terrorism and armed conflict between State and non-State armed actors, including insurgents and paramilitary groups. In some instances, a whole country may experience cyclical confrontations, volatility and insecurity, whereas other manifestations may be confined to specific geographic areas, even if environmental and societal repercussions reverberate and endure.

Understanding the diversity in prevalent hazards, climate change and environmental degradation landscapes across national and subnational spaces, and accurately forecasting cycles and changes is also important. Floods and severe storms are common to most of the case study countries, while some must also contend with geophysical hazards. Similarly, drought and resource scarcity undermine resilience and livelihoods, including of nomadic communities. The annual scale of new displacement associated with disasters foreshadows the challenge for certain countries. In others, persistent conflict-associated displacement undermines opportunities for sustainable and durable solutions.

A holistic understanding of risk also means appreciating interactions between conflict and disaster – and other factors, such as historical fault lines and marginalization – that heighten exposure and conditions of vulnerability in ways that cannot be condensed into simple equations. For instance, how and in which locations are people displaced by conflict exposed to disasters? How and in which locations does the reverse scenario unfold? In which places have environmental degradation driven subsequent tensions and displacement?

2. **Understanding the multi-causal drivers of displacement, in addition to collecting and disaggregating data on its triggers, is necessary for policy and practice.**

As many of the case studies demonstrate, the drivers and triggers of displacement are linked. Motivations for movement are interdependent and multi-faceted, even if a proximate event such as a confrontation or a flood is the most visible trigger of flight. Data on displacement generally identifies the most proximate trigger of displacement, such as conflict and violence, or disasters associated with floods, storms, earthquakes or droughts. Data on the range of factors that drive displacement is not always well understood. For some people, eroded livelihoods associated with persistent insecurity may also influence the decision to flee in the context of drought. For others, motivations to remain in displacement settings may include insecurity in areas of origin despite originally deciding to flee in the context of floods. Overlapping insecurity, hazards and environmental degradation may undermine the livelihoods and traditional practices of nomadic communities.

Identifying how to build a picture of the many factors that drive displacement is important, particularly in locations where conflict, disaster and other factors, including climate change and environmental degradation, collide. Failing to develop a comprehensive picture may mask the range of reasons that drive and motivate people to flee or remain in places of displacement. Innovations for capturing data on how drivers and triggers interact and influence displacement may be valuable. Obtaining granular information could provide a refined "mosaic" of knowledge on conditions of vulnerability and needs salient for interventions on prevention and mitigation,

emergency response and sustainable solutions. This type of information may be particularly valuable in complex and protracted situations of displacement.

This is not to say that displacement data disaggregated by trigger is not essential. Data collection provides insights on policy and operational priorities and makes it possible to identify situations or triggers of displacement that require more targeted attention. In some countries, there is an emphasis on collecting data on conflict-related displacement, while consistent and similarly robust data on displacement associated with disasters is not given the same priority, even though the latter may be relatively easier to collect. Global compilations of estimates on displacement associated with disasters are a relatively recent development and is thus arguably less comprehensive than data on displacement associated with conflict and violence. For instance, while the duration of displacement is a relevant determinant of vulnerability and has implications for solutions programming, longitudinal data on displacement associated with disasters is still in its infancy. There is insufficient information on how many people are in protracted situations in the context of displacement associated with disasters.

In a number of countries, intergovernmental and non-governmental actors collect and triangulate information to compile estimates on displacements associated with conflict and disaster. This means government authorities are not necessarily engaged in data collection or their collection is not systematic or comprehensive. Understanding the extent to which government actors are directly engaged in collecting data on conflict- and disaster-related displacement can be challenging. The availability of this information could provide a better indication of the political will to address different triggers of displacement. In this respect, it is crucial to support efforts to collect nationally owned, high-quality data on all triggers and drivers of internal displacement, and related protracted displacement, to inform normative development and evidence-driven action across the displacement cycle.

The explicit recognition of internal displacement, as demonstrated, for example, by data collection, is a vital step to addressing the issue, since changes in how the phenomenon is understood contribute to shifts in policy and practice. This means promoting a fuller understanding of the complexity of triggers and drivers of displacement. It also means directing attention to particular triggers and associated displacement that are not well captured. While gaps often relate to displacement associated with disasters, they may also relate to displacement associated with conflict, as in situations where preventive movements in anticipation of harm are not always counted or when insecurity prevents data collection.[162]

The visibility of triggers—gauged through media attention, public awareness and solidarity interventions, for example—also creates incentives that may clash with efforts to understand and comprehensively address displacement in countries affected by both conflict and disaster. Resource mobilization, financial constraints and donor and institutional dynamics may direct attention towards trigger-specific interventions instead of addressing multidimensional drivers of displacement, undermining motivations and the urgency to better understand complexity. In

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[162] For applicable guidance on the relevance of data and data collection for law and policy making, see, for example, footnote 26 (IDMC, Norwegian Refugee Council, Brookings–LSE Project on Internal Displacement, 2013). See also "International Recommendations on IDP Statistics (IRIS)" (Expert Group on Refugee and Internally Displaced Persons Statistics, 2020). Available from www.jips.org/tools-and-guidance/idp-refugee-statistics/ (16 March 2021).

this context, building knowledge on correlations between trigger-specific disaggregated displacement data and the prioritization of short-term interventions may be valuable.

3. Assessing and catering for vulnerabilities, needs and rights of IDPs "doubly" affected by conflict and disaster is relevant to risk reduction, emergency response and solutions.

Countries affected by both conflict and disaster face distinct situations and displacement scenarios. The combination generates complexities that may not arise in places where only conflict or disaster prevails independently of the other trigger. For instance, people may be "doubly" affected and displaced by each trigger and their resilience may be eroded in ways that are dissimilar to people repeatedly displaced by disasters or repeatedly displaced by conflict. IDPs associated with conflict may experience floods, storms or landslides in settlement areas and face subsequent displacement. Droughts may compound the conditions of vulnerability of IDPs affected by conflict, including compelling further movement. Communities displaced by drought may face insecurity in places of refuge or floods may affect IDPs settlements.

In each of the five countries, both conflict and disaster have affected people to varying degrees. Some people have also experienced multiple displacements in the context of each trigger. Assessing the unique situations, conditions of vulnerability and the needs of IDPs in composite settings may provide insights for tailoring interventions for risk reduction, emergency response and solutions. For instance, do people affected or displaced by both conflict and disaster have specific vulnerabilities and needs that require different interventions than in situations where multiple displacements occur due to the same type of trigger? How might integrated risk assessments provide better information for preventing, preparing, mitigating and finding solutions in the context of both conflict and disaster, as well as other drivers and triggers of displacement? Do vulnerability-based criteria and assessments offer a helpful analytical framework to account for multiple drivers and triggers of displacement and to consider repercussions on resilience and coping capacity? Are innovations in assessment criteria needed to better capture these dimensions?

Understanding the experiences that underpin the predicament of IDPs who are doubly affected is particularly relevant for solutions. Identifying the drivers, triggers, needs, vulnerabilities and rights of individuals who have endured complex and multiple shocks may provide valuable insights for recovery and solutions programming. Appreciating these factors early, before displacement becomes protracted, may provide greater scope to mitigate conditions of vulnerability. For instance, are there ways in which risk reduction and humanitarian responses could take account of overlapping shocks to build a better baseline for sustainable solutions?

4. Catering for constraints on risk reduction, humanitarian, climate change and development action in conflict and disaster settings is essential to address internal displacement.

The overlap of conflict and disaster also presents distinct challenges for prevention and mitigation, emergency response and durable solutions, over and above assessing the vulnerabilities and needs of affected and displaced populations. Access is complicated in the context of conflict, regardless of disasters. However, when disasters occur in pre-existing IDPs sites, locations rendered insecure and volatile by conflict or areas controlled by non-State armed actors, access to populations affected and displaced by disasters may also be compromised. In addition, security conditions or targeted actions of non-State armed actors may prevent

disaster-affected people from fleeing into government-controlled areas to access emergency support. On the other hand, disaster-affected people may flee into areas controlled by non-State armed groups or places with security threats, jeopardizing their ability to receive aid. Declarations of states of emergency, military operations, government prohibitions, restrictions on movement and security-related requirements and verification processes—most common in contexts of conflict—also hinder access and affect the timeliness and delivery of aid. When disasters destroy infrastructure, render roads impassable or make logistical costs prohibitive, IDPs affected by conflict may also become inaccessible. In composite settings, IDPs affected by disasters and fleeing out of areas controlled by non-State armed actors may also face mistrust and discrimination in accessing services and assistance.

Access constraints are not only relevant to emergency, humanitarian responses. The convergence of conflict, hazards, disasters and the adverse effects of climate change create risks and conditions that undermine the sustained promotion of human security. Risk reduction, resilience-building and solutions programming are arguably at their most challenging in these locations. The case studies suggest that in locations affected by conflict, sustained DRR and DRM activities are limited or deprioritized, due to security considerations, limited technical capacities and concerns over loss of investment.

In conflict settings, authorities and stakeholders may be preoccupied with other priorities, such as emergency needs and security threats, particularly if funding constraints also dictate the viability and spectrum of possible interventions. In addition, as the ICRC has explained, populations affected by conflict are among those most neglected by climate action, despite being among those most vulnerable to the climate crisis.[163] While geographic location plays a role in their vulnerability, conflict undermines institutions, infrastructure and governance essential for reinforcing people's resilience and adaptive capacity to withstand and overcome multiple shocks.[164] Moreover, the natural environment is often "a silent casualty" of conflict: direct attacks or incidental damage during hostilities can aggravate environmental degradation and further undermine opportunities to sustain human security.[165]

Inadequate investment in risk reduction, risk management and resilience-building in conflict settings may reverberate throughout the displacement cycle. It may affect the scale of emergency needs and the complexity and multi-faceted nature of displacement situations, undermining the search for solutions. Whereas ordinarily return to areas of origin may not be viable due to insecurity from conflict or risks associated with hazards and disasters, in composite settings, both factors must be considered in strategies and the development of options for solutions. Similar challenges and obstacles may exist in other non-origin locations, limiting options for relocation and resettlement, and local integration.

5. **Tailoring prevention, mitigation, response and solutions to the context, the predicament of IDPs and to the constraints of different settings requires cross-sectoral coordination.**

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[163] See footnote 21 (ICRC, 2020).
[164] Ibid.
[165] "Guidelines on the Protection of the Natural Environment in Armed Conflict" (ICRC, 2020). Available from https://www.icrc.org/en/publication/4382-guidelines-protection-natural-environment-armed-conflict (Accessed 22 April 2021); ibid., p. 17.

As the preceding discussion has explained, humanitarian, risk reduction, climate change and development actors must understand risks in their totality, assess conditions of vulnerability associated with conflict, disaster and other factors, and cater for constraints on their ability to prevent, address and solve displacement. Such analyses provide baseline information from which to tailor appropriate and feasible interventions across the displacement cycle.

The above implications also highlight the importance of multisectoral, coordinated and cohesive action. In countries that face both conflict and disaster, particularly when they converge and interact, prevention, response and solutions require the multi-faceted expertise of risk reduction, humanitarian, climate change and development actors. For instance, risk reduction, humanitarian, resilience and solutions programming require access and ongoing presence, even if activities are undertaken through local partners. In areas affected by conflict or areas controlled by non-State armed actors, partners with the requisite expertise may need to facilitate access and an ongoing presence. Risk reduction, humanitarian and development actors experienced in disaster settings must abide by the "do no harm" principle and ensure interventions are conflict-sensitive. These concepts may enjoy some familiarity, particularly among those with experience in conflict settings. However, actors unfamiliar with their intricacies and the demands such principles impose on risk reduction, humanitarian, resilience and solutions interventions will need to build expertise and collaborate with the appropriate stakeholders to mitigate and, where possible, deescalate tensions.

Moreover, the complexities associated with promoting solutions for protracted IDPs affected by diverse triggers and multiple displacements underlines the importance of viewing prevention as a solution and tailoring approaches that mitigate the likelihood of multiple shocks and minimizes time in displacement. This may mean dedicating multisectoral resources to DRR, DRM and resilience-building in areas of origin (including conflict settings) and "disaster-proofing" IDPs settlement locations to mitigate secondary shocks.

Finally, as the case studies show, conflict and violence are not homogeneous. Different manifestations create challenges and opportunities for risk reduction, adaptation and resilience that may in turn facilitate other objectives such as de-escalation and peacebuilding.[166] Collaborative, coordinated, multi-stakeholder strategies and interventions may be particularly important in environments where there are perceptions of a prolonged emergency state with no solutions on the horizon. In this context, understanding the application of international humanitarian law and how it may support these endeavours must also be considered.[167]

VI SUGGESTIONS FOR LAW AND POLICY

The preceding section discussed implications for a broad set of actors working across the displacement cycle in locations affected by both conflict and disaster. This section builds on the implications and provides five suggestions that relate to legal, policy, institutional and

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[166] In general, see the research by ODI in this area, including the studies noted in footnote 24.
[167] See, for example, "Displacement in Times of Armed Conflict: How International Humanitarian Law Protects in War, and Why it Matters" (ICRC, 2019). Available from www.refworld.org/docid/5d14746e4.html (accessed 31 March 2021).

coordination frameworks on internal displacement and DRR.[168] The suggestions aim to initiate reflection on incorporating displacement associated with conflict, disaster and their interplay.

1. **In instruments specific to internal displacement include provisions that raise awareness and facilitate action on displacement associated with conflict, disaster and their interplay.**

The adoption of laws and policies on internal displacement is a primary vehicle to foster awareness of IDPs, their predicaments and applicable rights and duties. Laws and policies also establish governance and coordination mechanisms that facilitate prevention, response and solutions for displacement. Provided implementation efforts are robust, laws and policies offer prospects for changes in practice and ultimately, opportunities to improve the lived experiences of IDPs. This can be achieved through mitigation and prevention to limit the incidence of displacement, assistance and protection, as well as efforts to promote durable solutions. In other words, laws and policies are the bedrock on which subsidiary instruments are anchored and on which capacity building, advocacy, monitoring and evaluation is undertaken to promote robust implementation. Laws offer the potential to withstand political transience. Alongside the collection of appropriate data, the establishment of a normative framework could be considered "the beginning of the conversation."[169]

As reflected in the case studies, some instruments specific to internal displacement may capture multiple triggers, including conflict, violence and disaster, based on the way they define or conceptualize IDPs or internal displacement. When IDPs and internal displacement are broadly defined to capture multiple triggers, the rights and duties in the corresponding instrument will apply to a wider cohort of people, including those subject to overlapping and multiple shocks, including conflict and disaster. In such contexts there are, in principle, opportunities to ensure non-discriminatory implementation in practice, including by accounting for trigger-specific needs and vulnerabilities.

For instance, internal displacement instruments with IDPs definitions that capture flight from multiple triggers also include provisions that address how conflict or disaster settings intersect with specific issues, such as preventing the conditions that may lead to displacement or return. Some instruments specific to internal displacement discuss DRR and DRM concepts like risk assessments, contingency plans and early warning mechanisms and cross-reference applicable instruments and authorities addressing DRR and DRM. Many instruments specific to internal displacement also consider the effect of hazards and disaster risks on the viability of return to areas of origin and discuss alternatives when return is unfeasible or inadvisable.

Nonetheless, not all instruments specific to internal displacement that capture multiple triggers include recognition of intersecting shocks (including conflict and disaster) and how their interplay may undermine resilience and compound conditions of vulnerability. For instance, framing instruments specific to internal displacement with a preamble that captures intersecting

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[168] As noted earlier, guidance and tools for legislation and policymaking on internal displacement have been developed since the adoption of the United Nations Guiding Principles on Internal Displacement. These include the documents highlighted in footnote 18 and 26. See also the documents available via the Essential Frameworks and Standards page (https://www.globalprotectioncluster.org/2020/12/30/essential-frameworks-and-standards/) and the Guidance Documents and Tools page (https://www.globalprotectioncluster.org/2020/12/30/guidance-documents-and-tools/) of the Global Protection Cluster website (www.globalprotectioncluster.org).
[169] Informant interview from Somalia case study, on file with the author.

drivers and triggers of displacement could increase awareness of these dynamics. Similarly, terms such as vulnerability and risk should be broad enough to capture situations where multiple drivers and triggers, including conflict and disaster, affect people. This could include non-exhaustive references to prominent drivers and triggers of displacement and the effects of their interactions on people, institutions and governance. Provisions on IDPs participation are another critical mechanism to ensure understanding and greater attention to vulnerabilities and risks associated with both conflict and disaster. Explicit references to applicable DRR and DRM instruments and institutions, and the inclusion of appropriate authorities in coordination frameworks may be important for raising awareness, facilitating cooperation and deepening understanding of the relevance of DRR and DRM dimensions when addressing internal displacement. The aforementioned examples, and other appropriate legal provisions, may generate awareness of intersecting drivers and triggers of displacement. Such provisions may also inform and enable subnational actors to better capture these dimensions in applicable instruments and implement them in practice.

In some countries, disaster and conflict may interact and intersect in people's everyday lives to varying degrees. However, instruments specific to internal displacement may not capture both conflict- and disaster-related triggers. In other words, the legal, policy and institutional frameworks for addressing each dimension may be compartmentalized or a framework for addressing one of the two dimensions (or both) may not exist. There may be valid reasons for adopting instruments that focus on a particular trigger of displacement, such as the urgency and scale of displacement associated with a particular trigger, political opportunities or resources and capacity. In such contexts, evaluating and identifying gaps in under addressed and unaddressed triggers of displacement and any failures to adequately take into account how overlapping shocks compound vulnerabilities and risks are particularly important.

For instance, if an instrument specific to internal displacement only addresses conflict-related displacement, or displacement is addressed by a DRR and DRM instrument, it is necessary to assess how these domestic frameworks align with international and regional standards. This may also mean reviewing how individuals affected by both conflict and disaster are supported and accommodated under domestic legal, policy and institutional frameworks. Such assessments should identify limitations in discharging duties towards IDPs and the fulfilment of their rights, including for IDPs affected by both conflict and disaster.[170]

2. **In DRR and DRM instruments incorporate provisions that raise awareness and facilitate action on displacement associated with multiple triggers and drivers, including conflict.**

Many States continue to adopt, review or revise DRR or DRM frameworks, including in the context of global efforts to encourage their adoption under the 2015–2030 Sendai Framework

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[170] More generally, existing guidance and tools also offer important guidance in relation to the process of developing normative frameworks on internal displacement in countries where they do not exist. The guidance captures how to incorporate international standards into domestic legislation. A key step includes undertaking a legal audit, analysis or assessment to review existing legislation relating to the protection of IDPs in order to determine to what extent the existing framework adequately addresses internal displacement, creates obstacles for IDPs and those protecting and assisting them and contains gaps related to IDPs assistance and protection, alongside other factors. See footnote 26 (IDMC, Norwegian Refugee Council, Brookings–LSE Project on Internal Displacement, 2013), pp. 31–37. See also the Global Protection Cluster regional and country specific analysis available from: www.globalprotectioncluster.org/2020/12/30/regional-and-country-specific-analysis/.

for Disaster Risk Reduction.[171] This instrument seeks to substantially reduce disaster risk and losses through the prevention of new, and the reduction of existing, disaster risk. Its preamble acknowledges displacement as one of the devastating effects of disasters and multiple references to different forms of human movement throughout the instrument reflect the fact that displaced persons are covered by its global targets.[172] The United Nations Office for Disaster Risk Reduction has also published Words into Action guidelines on disaster displacement, which offers practical guidance on integrating displacement and other forms of human movement into DRR and DRM strategies.[173] All case study countries have an instrument on DRR or DRM and almost all include references to displacement or IDPs. This research has not assessed how the instruments in the five countries align with the Words into Action guidance as most were adopted prior to its publication. However, such an evaluation could provide insights on necessary amendments and improvements.

Incorporating displacement and other forms of mobility into DRR and DRM frameworks is only one part of the equation, however; incorporating conflict dimensions is also important in countries where conflict and disaster interact. To varying degrees, the DRR and DRM instruments in the case study countries reference and consider conflict and interactions between conflict, hazards and disaster. In general, in countries unaffected by conflict, DRR actors must become proficient in understanding conditions of vulnerability, their link to displacement and the potential role of displacement as a component of risk. Such actors must understand how displacement relates to disaster risk and how it could be reduced and better managed by addressing different drivers of displacement. In locations where conflict and disaster intersect, risk reduction actors must also understand the role of conflict and violence and how these intersect with displacement and disaster risk.

In this context, it could be important to ensure that DRR and DRM instruments recognize the vulnerability of populations affected and displaced by conflict to hazards, disasters and associated displacement. Provisions that foster understanding and support operational engagement could include preamble text that provides an overview of the multi-faceted drivers that create disaster risks, including underlying conflict and violence. Similarly, definitions of vulnerability and risk may need to be broad enough to capture conflict-related conditions that undermine resilience and coping capacity. If undertaking DRR and DRM activities in conflict settings is necessary to mitigate long-term decline in resilience, prevent and minimize displacement and promote solutions, it may be valuable to determine how laws and policies could facilitate such action. Provisions could also strengthen coherence with actors addressing displacement, particularly in locations where conflict and disaster intersect. Developing

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[171] "Sendai Framework for Disaster Risk Reduction 2015–2030", Resolution 69/283 of 3 June 2015, A/RES/69/283, 23 June 2015 (United Nations General Assembly, 2015). Available from www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_69_283.pdf (accessed 16 March 2021).

[172] Ibid. For example, target B aims to substantially reduce the number of affected people globally by 2030. Directly affected people include those who have been evacuated, displaced or relocated. Meanwhile, target E aimed to substantially increase the number of countries with national and local DRR strategies by the end of 2020. For further information, see "Technical Guidance for Monitoring and Reporting on Progress in Achieving the Global Targets of the Sendai Framework for Disaster Risk Reduction: Collection of Technical Notes on Data and Methodology" (United Nations Office for Disaster Risk Reduction, 2017). Available from www.unisdr.org/files/54970_techguidancefdigitalhr.pdf (accessed November 2020).

[173] See footnote 48, including the other references discussed.

guidance on how to incorporate conflict-related risks, including as they pertain to displacement, may help States capture these dynamics in DRR and DRM instruments.

Raising awareness of the effects of conflict on disaster risks, including displacement, among DRR and DRM actors and in national instruments could facilitate the inclusion of such issues in subnational frameworks. DRR and DRM instruments could also cross-reference internal displacement instruments and responsible institutions. Such accommodation has the potential to create pathways and opportunities for collaboration and cohesive action. More generally, other research has also provided insights into DRR and DRM programming in conflict settings and shown how they could be leveraged towards de-escalation and peacebuilding dividends.[174]

3. **When preparing national instruments, convene and draw on cross-sectoral and subnational counterparts to develop participatory frameworks that are applicable to conflict, disaster and composite settings and are adaptable to subnational contexts.**

Implementation happens at the subnational level: it happens on the ground in cities, towns and villages where conflict and disaster occur in different locations or interact with each other. As such, implementation must account for the dynamic, evolving and context-dependent impacts on displaced, host and other affected populations. This makes subnational authorities critical for implementing national and subnational instruments on internal displacement, DRR and DRM. Subnational actors often have the closest connection to IDPs. They have better opportunities to gather data on needs, vulnerabilities, exposure and multiple displacements by facilitating IDPs participation. Subnational authorities may also have deeper insights on conflict-sensitivities and disaster risks in their areas of operation.

To ensure national laws and policies account for different subnational contexts and can be implemented in a range of settings, subnational situations must inform their development. There must be a strong bottom-up emphasis in formulating normative instruments, incorporating evidence from the ground and mitigating any disconnect between the national and subnational levels. Local authorities responsible for internal displacement, DRR and DRM (and development and climate action) should be fully engaged in national policy development processes. This is essential to identify grounded realities, generate buy-in, promote legitimacy and create the building blocks, relationships and capacities needed to facilitate implementation.

Multisectoral engagement is also necessary for similar reasons, particularly if the authorities responsible for addressing internal displacement are different from those responsible for DRR and DRM or are yet to be identified. The formulation of internal displacement instruments may not always engage DRR and DRM actors, while the development of instruments in the other areas may not engage authorities responsible for addressing internal displacement, or at least internal displacement associated with conflict, when such actors exist.

Bringing together national and subnational internal displacement, DRR and DRM actors to involve them integrally in policy formulation processes may mitigate the development of narrowly conceived and sector-specific, top-down frameworks that may subsequently become harder to sensitize and implement across sectors and subnationally. Bridging divides early by inviting cross-sectoral and subnational actors to participate in policy formulation on internal

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[174] See, for example, footnote 24.

displacement, DRR and DRM has the potential to create frameworks that incorporate targeted and sector-relevant provisions and language that are applicable in national and subnational contexts. Such actions may promote coherence, raise awareness, build relationships (including between technical and coordinating bodies) and facilitate implementation, creating opportunities to close gaps between policy and practice.

National instruments also provide the overarching normative framework upon which subnational instruments and subsidiary operational documents are developed. Creating the necessary hooks for a cohesive, multi-level, cross-sectoral framework may offer opportunities to develop similarly cohesive subnational and subsidiary instruments and to address risks more holistically. The case studies show that many instruments on internal displacement, DRR, DRM, climate action and development are being developed or revised and offer opportunities to incorporate these connections. In this context, existing guidance also makes important recommendations on inclusive, consultative and transparent processes.[175]

4. **Address policy and implementation gaps on misunderstood or lesser-known situations of displacement, enlisting displaced persons, advocates, independent bodies and courts.**

In some countries, conflict-related displacement or disaster-related displacement may be better understood and more robustly addressed than the other. The reasons for differentiation may relate to the scale of displacement associated with triggers, political sensitivities and priorities, emphasis in data collection and the scope or implementation of normative frameworks. In such situations, it is important to consider if sufficient attention is paid to each driver and trigger and identify approaches to promote change.

Acknowledging internal displacement and generating awareness is vital for addressing it. Changes in how the phenomenon is understood can contribute to shifts in policy and practice. Data on internal displacement is essential for building knowledge, facilitating understanding and generating political will. The availability of data on internal displacement has consequences for the implementation of laws and policies. For instance, insights from data may influence interventions related to prevention, humanitarian response and solutions. In places with more robust data on displacement associated with conflict, programmatic interventions may prioritize action for populations displaced in the context of conflict, despite neutral laws applicable to both conflict- and disaster-related flight. In some contexts, neutral criteria for selecting beneficiaries may discriminate in practice, creating hurdles and barriers for certain populations of IDPs, including those affected by particular triggers. For instance, registration systems or selection processes that require documentation that is only issued to IDPs associated with conflict may prevent IDPs associated with disasters from accessing benefits.

While there may be valid reasons for differentiating between certain triggers of displacement, perceptions of the phenomena and (unconscious) biases can also affect prioritization and undermine resource allocation, thus affecting the implementation of legal and policy instruments and potentially leading to adverse consequences for some IDPs. For instance, perceptions of recurrent floods as historical and associated displacement as natural or ordinary

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[175] See, for example, footnote 26. See also the training and workshop materials available on the Global Protection Cluster website available from www.globalprotectioncluster.org/2020/12/30/training-and-workshop-materials/, including the "GPC Training Package: Capacity-building on Law and Policy-Making on Internal displacement, 2016".

and a short-term consequence may need to be countered to build awareness of internal displacement associated with disasters. Such perceptions imply a need to raise awareness among authorities and key stakeholders on the rights of IDPs all IDPs and on obligations towards them, including for prevention, mitigation, response and solutions. In this respect, courts and other independent bodies such as human rights commissions and ombudsperson's offices have tools to support efforts to close gaps in legal and policy frameworks and their implementation. Along with IDPs and civil society advocates, they should be partners in any coalitions to improve the situations of IDPs that are misunderstood or less well known.

5. **Develop institutional and coordination mechanisms that facilitate effective and timely coordination on displacement associated with disaster and conflict and their interplay.**

Providing guidelines on how countries with vastly different histories, political and governance systems, demographic compositions and economic capacities should develop institutional and coordination mechanisms to address displacement is complex, since individual approaches are highly dependent on the context. Wholesale prescriptions are untenable. Previous guidance has identified approaches to institutional mechanisms to address internal displacement. This research has provided insights into the models implemented by some States grappling with conflict, disaster and associated displacement. The knowledge gained from the case studies provides opportunities to reflect on how to design institutions and frameworks that facilitate coordination on displacement related to conflict and disaster, including where such drivers and triggers overlap geographically. In this respect, the series of questions below identify issues for consideration. While the emphasis is on frameworks and mechanisms applicable to internal displacement, DRR and DRM, the considerations may also be applicable to other themes, including resilience-building, development and action on climate change.

- Should authorities responsible for addressing internal displacement also have responsibilities for DRR and DRM? Alternatively, what mechanisms should be implemented to ensure authorities charged with addressing internal displacement coordinate with DRR and DRM authorities at the national and subnational levels?

- Should authorities responsible for DRR and DRM also have responsibilities for addressing internal displacement? Alternatively, what mechanisms should be implemented to ensure authorities charged with undertaking DRR and DRM coordinate with authorities responsible for internal displacement at national and subnational levels?

- Should interministerial, multi-stakeholder oversight bodies that are responsible for internal displacement include DRR and DRM representatives? Similarly, should interministerial, multi-stakeholder oversight bodies that are responsible for addressing DRR and DRM include representatives responsible for addressing internal displacement? Is there merit in developing national platforms for these issues and what proportion of these bodies should be operational?

- What opportunities exist for the aforementioned mechanisms to include representatives of IDPs, including those affected by conflict, by disaster and by both? How can obligations be created to engage IDPs in decision-making processes in relevant institutional and coordination mechanisms so that their experiences and views are incorporated into

analyses and action? How might laws, policies, key institutions and coordination mechanisms empower IDPs in this way?

- How should the aforementioned mechanisms be cascaded to subnational levels? What adjustments should be made to account for different stakeholders and different interests and incentive structures that operate at the subnational level?

- Do power imbalances between the actors responsible for internal displacement and those responsible for DRR and DRM affect coordination, collaboration and implementation? Do they affect the coherence and effectiveness of interventions related to internal displacement?

- Do power imbalances and limited enforcement powers between national and subnational authorities affect how coordination, collaboration and implementation may be undertaken? Do they affect the coherence and effectiveness of interventions related to internal displacement? Do poor incentive structures undermine implementation?

- Which aspects of subnational governance and coordination need to be improved? What opportunities exist (including through regulatory frameworks) to allocate greater resources to the prevention and mitigation of displacement, including at subnational levels? What other support must be provided to subnational actors to lead responses at the local level as first responders?

- How should early warning mechanisms for the prevention and mitigation of disasters and associated displacement and mechanisms for the prevention and mitigation of conflict and associated displacement interface with each other to facilitate coordination and aligned responses? How should risks (including those related to displacement) stemming from the confluence of conflict, hazards, disaster and climate change be identified and communicated to the relevant stakeholders?

- Do DRR and DRM actors need capacity-building for internal displacement, including sensitivity to protection? Do actors responsible for internal displacement (including prevention and mitigation) need capacity-building on DRR and DRM? Do they need capacity building on conflict-sensitivity and the do no harm principle?

- Would digital repositories of accessible and harmonized information (for example, on affected populations, IDPs and risks) support better coordination and better alignment of interventions across sectors, including those addressing displacement, DRR and DRM?

- Would it be valuable to develop guidance or protocols to support better coordination and harmonization across key sectors, including displacement, DRR and DRM? Is such guidance necessary in contexts where different legal, policy and operational frameworks apply to displacement associated with conflict and displacement associated with disaster?

VII CONCLUSION

Since the endorsement of the 1998 Guiding Principles on Internal Displacement, significant efforts have been undertaken to promote the development and implementation of domestic legal, policy and institutional frameworks to address internal displacement. These have included the adoption of regional agreements, the publication of standards and tools to guide authorities, parliamentarians and other actors, and capacity-building and technical support. During the last two decades, stakeholders have worked together to guide States in their adoption and implementation of frameworks to prevent, protect and find solutions to displacement. More recently, these efforts have engaged the GP20 workstream on law and policy, which concluded its work in 2020, as well as the Global Protection Cluster Task Team on Law and Policy, which continues to work in this area.

While some countries have adopted laws and policies on internal displacement, significant gaps also remain. Internal displacement is prevalent across the world and extends well beyond the States that have shown the political will to adopt a normative framework. In 2019, new displacement associated with conflict and violence occurred in 50 countries, while new displacement associated with disasters occurred in over 140. These statistics foreshadow the task ahead for actors engaged on promoting domestic frameworks on internal displacement, recognizing that laws and policies are only one crucial step on the path to achieving better outcomes on internal displacement.

Notably, this report demonstrates that most countries grappling with conflict are also dealing with disasters, including the impacts of these dual challenges on populations, displacement, institutions and governance. In some countries, conflict and disaster occur in different geographic locations, while in others conflict and disaster interact or overlap and the same populations confront these challenges concurrently or episodically. Intersecting, overlapping or recurrent conflict and disaster undermine resilience and heighten protection needs. Such settings present unique challenges and constraints. At a minimum, these insights indicate that countries affected by both conflict and disaster require instruments, institutions and coordination mechanisms to address displacement associated with *each* trigger. Where conflict and disaster also interact and overlap, normative and operational frameworks must also take into account this interplay.

To augment knowledge on these themes, this report on Bridging the Divide in Approaches to Conflict and Disaster Displacement has examined legal, policy, institutional and coordination frameworks on internal displacement, DRR, climate change and development in Afghanistan, Colombia, the Niger, the Philippines and Somalia. It has provided evidence on how normative and operational mechanisms in the five countries address displacement associated with the dual challenges of conflict and disaster. It has offered insights, implications and suggestions on approaches to norms, institutions and coordination specific to internal displacement, DRR and DRM and to a lesser extent on climate change and development. Further reflection is needed to identify concrete, context-specific guidance for States and supporting actors confronting displacement associated with both conflict and disaster. Such guidance must recognize that harmonized and complementary instruments and well-coordinated institutions and processes are essential for creating an enabling environment to protect IDPs and solve internal displacement.

ANNEXES

Annex 1: Countries with both conflict and disaster displacement

The following table shows the countries and territories with estimates for new conflict-associated displacement *and* new disaster-associated displacement based on IDMC data.

	Country or territory	2019		2018		2017	
		New conflict	New disaster	New conflict	New disaster	New conflict	New disaster
1.	Abyei Area			150	2		
2.	Afghanistan	461,000	117,000	372,000	435,000	474,000	27,000
3.	Bangladesh	520	4,086,000	300	78,000	6,000	946,000
4.	Benin	190	5,000	3,500	23,000		
5.	Plurinational State of Bolivia	31	77,000				
6.	Burkina Faso			42,000	5,100	4,900	8,200
7.	Burundi	530	27,000	5,100	35,000	14,000	11,000
8.	Cameroon	67,000	24,000				
9.	Central African Republic	96,000	102,000	510,000	9,300	539,000	2,900
10.	Chad	58,000	30,000				
11.	Colombia	139,000	35,000	145,000	67,000	139,000	25,000
12.	Congo	2	166,000				
13.	Côte d'Ivoire	330	720	700	3,200		
14.	Democratic Republic of the Congo	1,672,000	233,000	1,840,000	81,000	2,166,000	27,000
15.	Ecuador			420	4,200		
16.	Egypt			15,000	8		
17.	El Salvador	454,000	1,900	246,000	4,700	296,000	390
18.	Ethiopia	1,052,000	504,000	2,895,000	296,000	725,000	434,000
19.	Gambia					162,000	880
20.	Ghana	2,300	16,000	5,000	61,000		
21.	Guatemala					1,200	45,000
22.	Haiti	2,100	1,200				
23.	Honduras			950	17,000		
24.	India	19,000	5,018,000	169,000	2,675,000	78,000	1,346,000

25.	Indonesia	23,000	463,000	4,500	853,000	2,800	365,000
26.	Iraq	104,000	37,000	150,000	65,000	1,379,000	3,900
27.	Kenya	1,800	74,000	10,000	336,000	24,000	35,000
28.	Libya	215,000	4,600				
29.	Madagascar	1,000	5,700	1,700	75,000		
30.	Malawi	150	117,000				
31.	Mali	284,000	6,600	126,000	19,000	35,000	6,800
32.	Mexico	7,100	16,000	11,000	20,000	20,000	195,000
33.	Mozambique	5,300	506,000	3,800	31,000	120	170,000
34.	Myanmar	80,000	270,000	42,000	298,000	57,000	351,000
35.	Nepal					2	384,000
36.	Niger	57,000	121,000	52,000	40,000	40,000	189,000
37.	Nigeria	248,000	157,000	541,000	613,000	279,000	122,000
38.	Pakistan	16,000	100,000	1,800	2,100	75,000	1,800
39.	Palestinian Territories	1,500	2			700	77
40.	Papua New Guinea	1,300	31,000	360	61,000		
41.	Peru	35	10,000				
42.	Philippines	183,000	4,094,000	188,000	3,802,000	645,000	2,529,000
43.	Sierra Leone	2,500	5,300				
44.	Somalia	188,000	479,000	578,000	547,000	388,000	899,000
45.	South Africa	2,300	1,700				
46.	South Sudan	259,000	294,000	321,000	6,600	857,000	75,000
47.	Sri Lanka	1,700	87,000	1,100	100,000		
48.	Sudan	84,000	272,000	41,000	121,000	17,000	54,000
49.	Syrian Arab Republic	1,847,000	17,000	1,649,000	27,000	2,911,000	2,300
50.	Togo					2,700	50
51.	Tunisia	4	32				
52.	Turkey	2,000	540				
53.	Uganda	2,300	130,000	9,000	164,000	1,300	95,000
54.	Yemen	398,000	31,000	252,000	18,000	160,000	13
Total number of countries		**45**		**37**		**32**	

Annex 2: Afghanistan case study

1. Conflict, disaster and displacement dynamics

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[1]
2014	13,000	156,000	805,000
2015	71,000	335,000	1,174,000
2016	7,400	653,000	1,553,000
2017	27,000	474,000	1,286,000
2018	435,000	372,000	2,598,000
2019	117,000	461,000	2,993,000

Since the late 1970s, displacement associated with conflict and violence has been prevalent in Afghanistan.[2] A host of actors, including the Taliban, the Islamic State, the government, international actors, foreign countries, and ethnic, communal and Islamist militias have all contributed to cycles of violence that have undermined people's resilience. There has been a relative upsurge in new internal displacement linked to conflict and violence in recent years.[3] In 2018, 33 of the country's 34 provinces witnessed conflict- and violence-induced displacement, and there were an estimated 372,000 new displacements within the country.[4] At the end of 2018, close to 2.6 million people remained internally displaced. These figures increased in 2019, with an estimated 461,000 new displacements in 32 out of 34 provinces.[5] Almost 3 million people remained displaced due to conflict and violence at the end of 2019.[6]

Although conflict and violence are the main triggers of internal displacement, natural hazards, including droughts, floods, earthquakes, storms and avalanches also prompt displacements throughout the country. Nearly all provinces in Afghanistan have been affected by at least one disaster in the past 30 years[7] and approximately 250,000 people are affected by disasters each year.[8] In 2018, there were 435,000 new displacement associated with disasters which was

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[1] As with all the internally displaced person (IDP) data in this study, these figures are taken from the Internal Displacement Monitoring Centre (IDMC) Global Internal Displacement Database, available from www.internal-displacement.org/database (accessed July 2020). Information on the IDMC calculations and methodology is available from What's behind our data (IDMC, n.d.). Available from www.internal-displacement.org/countries/afghanistan (accessed July 2020). IDMC explains the complex challenges of collecting information in Afghanistan due to the volatility of the security situation, the lack of formal camps, the fluidity of mobility and the shrinking of humanitarian space. IDMC also highlights the different sources used to compile estimates, including information collected by the Office for the Coordination of Humanitarian Affairs (OCHA) and the International Organization for Migration (IOM) and explains caveats. For example, conflict estimates may not include secondary displacement and IDPs who are "temporarily" displaced may not be counted. An analysis of the disaster-related displacement estimates is not provided, and these appear to be based on informant interviews. Unlike for new displacement associated with conflict and violence, OCHA does not compile estimates for displacement associated with disasters.

[2] For general background on Afghanistan and displacement see "Country information: Afghanistan" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/afghanistan (accessed June 2020). See also the range of reports available from this web page for further information.

[3] Global Internal Displacement Database (IDMC, n.d.).

[4] "Afghanistan: Figure analysis – displacement related to conflict and violence" (IDMC, 2019). Available from www.internal-displacement.org/sites/default/files/2019-05/GRID%202019%20-%20Conflict%20Figure%20Analysis%20-%20AFGHANISTAN.pdf (accessed July 2020).

[5] "Afghanistan: Displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20-%20Conflict%20Figure%20Analysis%20-%20AFGHANISTAN.pdf (accessed July 2020).

[6] Ibid.; "Global Report on Internal Displacement 2020" (IDMC, 2020). Available from www.internal-displacement.org/global-report/grid2020/ (accessed July 2020), p. 49.

[7] *Disaster Risk Reduction and Protracted Violent Conflict: The Case of Afghanistan* (Rodrigo Mena, Dorothea Hilhorst and Katie Peters, 2019). Available from www.odi.org/sites/odi.org.uk/files/resource-documents/12883.pdf (accessed July 2020), p. 9.

[8] "Afghanistan – complex emergency" (United States Agency for International Development [USAID], 2019). Available from www.usaid.gov/sites/default/files/documents/1866/afghanistan_ce_fs01_01-10-2020.pdf (accessed July 2020), p. 5.

significantly higher than preceding years and surpassed new displacement associated with conflict during the same year.[9] Drought from years of below-average rainfall affected at least 20 provinces,[10] and accounted for an estimated 371,000 of the 435,000 new displacements, with many people displaced from the western provinces of Badghis, Ghor and Herat.[11] In 2019, the estimated new displacement triggered by disasters fell to approximately 117,000. The vast majority of people fled floods in the western provinces, although 4,200 drought-related displacements were also recorded.[12]

In many provinces, drivers and triggers overlap, although changing cycles and patterns of conflict and violence mean interactions with disaster and internal displacement are dynamic and geographically varied.[13] The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) emphasizes that "[t]riggers for displacement are usually complex and cumulative".[14] Based on an assessment from 2019 covering the whole of Afghanistan, "56 per cent of IDP [Internally Displaced Persons] households reported a combination of active conflict, anticipated conflict, and natural disaster (slow or sudden onset) caused their displacement."[15] Moreover, many Afghans face secondary or multiple displacements:[16] disasters affect people who have also endured conflict and violence;[17] recurrent flooding affects the same areas,[18] and displaced populations also face the threat of evictions.[19]

IDPs flee to urban areas in search of security and support.[20] They seek refuge in multiple settings: camp-like settings; local host communities; informal, spontaneous and unplanned settlements; families and friends; and in rental accommodation. While some IDPs return to their areas of origin after relatively short periods, many – particularly people who have fled in the

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[9] This is regarded as the largest disaster-related displacement in at least a decade: See "Global Report on Internal Displacement 2019" (IDMC, 2019). Available from www.internal-displacement.org/global-report/grid2019/ (accessed July 2020), p. 36.
[10] "Drought grips large parts of Afghanistan" (OCHA, 2018). Available from www.unocha.org/story/drought-grips-large-parts-afghanistan (accessed July 2020); "Afghanistan humanitarian needs overview" (OCHA, 2019). Available from https://reliefweb.int/report/afghanistan/afghanistan-humanitarian-needs-overview-2020-december-2019 (accessed July 2020), p. 14.
[11] Footnote 9, p. 36.
[12] Footnote 6 (IDMC, 2020) pp. 12, 49–50.
[13] For example, see footnote 9: "In reality, the drivers of displacement in Afghanistan are intertwined. The impact of the drought was the final straw for many families who had been living in rural areas underserviced after years of armed conflict. Their resources and coping mechanisms had been eroded over time, and 2018 marked a tipping point when conditions became unbearable, leading to the country's largest disaster-related displacement in at least a decade" (p. 36). See also, "National Policy on Internally Displaced Persons" (Afghanistan, 2013). Available from www.refworld.org/docid/52f0b5964.html (accessed July 2020), p. 14; footnote 10 (OCHA, 2019).
[14] Footnote 10 (OCHA, 2019), p. 28.
[15] Ibid.
[16] See footnote 10 (OCHA, 2019); footnote 13 (Afghanistan, 2013), pp. 14–15.
[17] "Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan", A/HRC/35/27/Add.3 (United Nations Human Rights Council, 2017). Available from http://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/091/19/PDF/G1709119.pdf?OpenElement (accessed July 2020), paragraph 13; footnote 13 (Afghanistan, 2013).
[18] Remote key informant interviews conducted between March and August 2020 on file with the author.
[19] "Afghanistan: Humanitarian Response Plan 2018–2021" (OCHA, 2020). Available from www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-response-plan-2018-2021-june-2020-revision (accessed August 2020). See, more generally, "Stuck in the mud: urban displacement and tenure security in Kabul's informal settlements" (Mohammad Abdoh and Anna Hirsch-Holland, 2019). Available from https://reliefweb.int/report/afghanistan/grid-2019-global-report-internal-displacement-stuck-mud-urban-displacement-and (accessed August 2020).
[20] Footnote 17 (United Nations Human Rights Council, 2017), paragraph 6; footnote 13 (Afghanistan, 2013), p. 14.

context of conflict – remain internally displaced for years.[21] Access to land and security of tenure remains a key challenge in Afghanistan and affects opportunities for durable solutions. As noted above, at the end of 2019, an estimated 1.2 million people remained displaced due to disasters, although the proportion of people who may be in a protracted situation is unknown. Between 2012 and 2019, more than 3.3 million Afghans returned to the country, primarily from Pakistan and the Islamic Republic of Iran.[22] Some share similar predicaments to IDPs upon their return.[23]

2. IDP-specific laws and policies

National Policy on Internally Displaced Persons (2013)

At the end of 2013, Afghanistan adopted its first national policy on internally displaced people (IDP Policy)[24] after earlier strategies had become defunct.[25] With support from international actors, the Afghanistan Ministry of Refugees and Repatriation (MoRR) led the development of the IDP Policy.[26] The policy makes multiple references to international human rights law and the 1998 Guiding Principles on Internal Displacement and uses rights-based language. Ten chapters cover the definition of displacement and its end; institutional roles and responsibilities; the prevention of arbitrary displacement; assistance and access during the emergency phase; protection and assistance during displacement; durable solutions; funding; and monitoring and reporting. The following discussion identifies notable references to conflict- and disaster-related internal displacement or distinctions between them.

At the outset, the IDP Policy acknowledges the cumulative impacts of conflict and natural hazards on people in Afghanistan. It recognizes conflict and disaster as two of the triggers of displacement and notes the complexity of interactions and difficulties of disentangling them:

> There are a variety of causes of displacement notably armed conflict, generalized violence and serious violations of human rights, natural disasters, development projects and human-made disasters.
>
> It is not always easy to clearly identify the factors that force individuals or groups to flee, as the causes of the displacement in Afghanistan are often multi-causal and multi-faceted. The impact of the on-going conflict and human rights violations may be compounded by a natural disaster, while the lack of critical services in an area may reduce the resilience of populations, making them unable to sustain their families in their places of habitual residence. If the irrigation system in a village is destroyed as a result of aerial bombing in an area experiencing drought, and families can no longer productively farm their land, it is a combination of both conflict and natural disaster that

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[21] Footnote 13 (Afghanistan, 2013), pp. 14–15; "Policy Framework for Returnees and IDPs" (Afghanistan, 2017). Available from www.refworld.org/docid/5b27b0504.html (accessed July 2020), paragraph 4; footnote 17 (United Nations Human Rights Council, 2017), paragraphs 6 and 78.

[22] Footnote 6 (IDMC, 2020), p. 49.

[23] Footnote 19 (OCHA, 2020), ibid; footnote 6 (IDMC, 2020), p. 49; See also "Socio-economic survey and post-distribution monitoring: UNHCR's assistance programmes for returnees, IDPs and persons with specific needs" (UNHCR, 2019). Available from https://data2.unhcr.org/en/documents/details/70157 (accessed December 2020). See, more generally, "A different kind of pressure: the cumulative effects of displacement and return in Afghanistan" (IDMC, 2020). Available from www.internal-displacement.org/sites/default/files/publications/documents/202001-afghanistan-cross-border-report.pdf (accessed July 2020); footnote 19 (Mohammad Abdoh and Anna Hirsch-Holland, 2019).

[24] See footnote 13 (Afghanistan, 2013).

[25] *Protecting the Internally Displaced: Rhetoric and Reality* (Phil Orchard, 2019), pp. 193–196.

[26] Ibid.

forces them to leave their villages. If there is no effective follow-up in the wake of a natural disaster, i.e., no implementation of early recovery projects, people will be unable to return to their places of habitual residence and end up in displacement – a situation which cannot be attributed solely to "natural" disaster.[27]

A contextual overview acknowledges that conflict-affected populations living in emergency conditions may also face disasters and underlines the need for a unified approach at all levels of governments, with support from humanitarian actors.[28]

Objective, policy framework and principles

The IDP Policy intends to set out a "comprehensive, effective and realistic framework" to "provide guidance for addressing current and future situations of internal displacement in Afghanistan" and to ensure "approaches to internal displacement are based upon, and respect, protect and fulfill the rights of IDPs throughout the displacement process".[29] The objectives explicitly reference disaster risk reduction (DRR) measures to mitigate the impact of disasters, as well as "early warning on military operations", as efforts to "prevent or reduce and manage new internal displacement".[30] The policy recognizes "the primary responsibility of the Government to provide emergency assistance, longer term support and effective protection to IDPs in Afghanistan, irrespective of the cause".[31]

Definition of internally displaced people and internal displacement

In the definition of IDPs, the policy cites "armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters" among triggers of flight.[32] The definition of "internal displacement" captures "the involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state borders"[33] and does not mention triggers of flight.

The definition of IDPs includes returnees, defined as people "who are unable to settle in their homes and/or places of origin because of insecurity resulting from armed conflict, generalized violence or violations of human rights, landmines or [explosive remnants of war] contamination on their land, land disputes or tribal disputes."[34] This definition does not identify risks of natural hazards or disasters as reasons for returnees not being able to settle in their homes or places of origin.

Other definitions

The definitions of "disaster" and "emergency" include non-exhaustive lists of natural hazards and references to war and violent conflict as events or forces that may create destruction,

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[27] Footnote 13 (Afghanistan, 2013), section 1.4 (internal citations omitted).
[28] Ibid., section 1.4.
[29] Ibid., section 2.1(a) and 2.1(b).
[30] Ibid., section 2.1(e) and 2.1(f).
[31] Ibid., section 2.2.(a).
[32] Ibid., section 3.1.
[33] Ibid., section 1.3.
[34] Ibid., section 3.1(a). See also the definition of "returnee" in section 1.3, which is not fully aligned with the definition provided in section 3.1(a).

distress and crises. However, the two definitions do not explicitly mention drought,[35] despite the term featuring in the IDP Policy, including in the chapter on the prevention of arbitrary displacement.[36]

Vulnerability is defined broadly with a focus on people, communities, livelihoods, food supplies, community assets and property. In the context of people and communities, the term refers to "those at high risk of being severely impacted, people with special needs, or highly disadvantaged people" and is also "used more generally to describe factors that affect the ability of the community or individuals to respond to natural hazards or extreme events."[37] Conflict and violence dimensions are not explicitly mentioned in this definition.

Identification and registration

The provisions on IDP identification and registration emphasize that the IDP Policy applies to all "causes" of internal displacement, explaining that persons defined as IDPs "shall be regarded as IDPs regardless of where they stay […] and irrespective of the *cause* and duration of their displacement".[38]

Prevention of arbitrary displacement

Chapter 5 ("Actions Required for the Prevention of Arbitrary Displacement") of the IDP Policy contains sections on conflict- and disaster-related themes.[39] Section 5.1 covers conflict, military operations, generalized violence and human rights violations, discusses accountability for criminal acts and human rights violations, legislative review, ethnic and tribal conflict, and explosive remnants of war. A reference disaster appears in a provision on ensuring safe passage for people leaving areas due to conflict, insecurity or "natural disaster",[40] with the government requested to provide compensation to "communities displaced and affected as a result of the military operations."[41]

Section 5.2, which is dedicated to "natural disasters", is briefer. It does not contain specific provisions on criminal acts and human rights violations, legislative review, compensation or accountability, for example. It discusses issues such as DRR, mitigation, preparedness, response, (early) recovery, and relocation and notes the responsibilities of specific actors. Displacement is explicitly mentioned in a number of provisions, including as it relates to reducing hazard risk, emergency preparedness and early recovery. The chapter also cross-references the Law on Disaster Response, Management and Preparedness (discussed further below).[42]

Durable solutions

The IDP Policy recognizes that while there are common challenges to finding durable solutions throughout Afghanistan, the circumstances of each province are unique, including the scale,

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[35] Ibid., section 1.3.
[36] Ibid., section 5.2.
[37] Ibid., section 1.3.
[38] Ibid., section 3.3(e) (emphasis added).
[39] Ibid., section 7.1.2(b) discusses freedom of movement and the prohibition on forcible relocation of IDPs.
[40] Ibid., section 5.1.1(h). This provision is intended to reflect obligations under international humanitarian law.
[41] Ibid., section 5.1.1(k). This provision is intended to reflect obligations under international humanitarian law.
[42] Ibid., section 5.2(b).

causes and geography of internal displacement, and the availability of resources.[43] In this context, the policy delegates responsibility to actors at the provincial level, in consultation and coordination with other relevant stakeholders, to allow each to develop "a strategy to address its own unique displacement situation, with an action plan focused on finding durable solutions for its displaced population."[44]

Other chapters and references

There are other references to conflict or disaster in the IDP Policy. For example, chapter 6 ("Displacement in the Emergency Phase – Assistance and Access") sets out responsibilities to ensure that if it is not possible for people to return to their homes as a result of "natural" or man-made disasters or conflict, measures are taken to relocate them to an area that is safe and secure.[45] Chapter 7 ("Protection and Assistance During Displacement") discusses the right to the protection of the family and tasks a ministry with ensuring procedures for identifying the mortal remains of those who have died in disasters or conflict.[46] The chapter also contains provisions on criteria for land allocated to IDPs, discussing conflict, hazard and disaster-related risks.[47]

Policy Framework for Returnees and IDPs (2017)

The objective of the Afghanistan Policy Framework for Returnees and IDPs (the 2017 Policy Framework) "is to ensure their safe and successful re-integration into the social and economic fabric of Afghanistan."[48] It aims to "minimize the time returnees and IDPs spend in transitional arrangements, and to encourage their active participation in the identification of long term, sustainable solutions that promote their self-reliance and development."[49] The 2017 Policy Framework applies to "all returnees who are determined to be citizens of Afghanistan and to internally displaced *Afghans*."[50] Paragraph 18 sets out the overarching "Basic Principles of the Policy Framework", with an emphasis on the reintegration of returnees.[51]

IDPs are not defined in the 2017 Policy Framework.[52] The first three paragraphs of the introductory overview discuss Afghans returning from Pakistan, the Islamic Republic of Iran and Europe, while the fourth discusses internal displacement due to conflict, including protracted situations. Disaster-related internal displacement is not mentioned at all. In this sense, a stronger emphasis appears to be placed on aspects related to the reintegration of returnees from outside the country.

Nonetheless, in a paragraph from the "Basis for the Policy Framework", the policy cross-references the 2013 IDP Policy (discussed above) and the Comprehensive Voluntary Repatriation

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[43] Ibid., section 8.2.1(a).
[44] Ibid., section 8.2.1(b) but also section 8.2.1 more generally. The principles of the policy also recognize that durable solutions for IDPs need to be incorporated into the national development goals, priorities, strategies and policies of Afghanistan (section 2.2(q)).
[45] Ibid., section 6.1.2(h) (emphasis added).
[46] Ibid., section 7.1.7(d).
[47] Ibid., section 7.1.3.2.
[48] Footnote 21 (Afghanistan, 2017), paragraph 12.
[49] Ibid., paragraph 12; see also paragraphs 13–15 setting out other general policy objectives.
[50] Ibid., paragraph 16 (emphasis added).
[51] Ibid., paragraph 18.
[52] Ibid. Returnees are also not defined, although the policy discusses returnees from the region (the Islamic Republic of Iran and Pakistan), returnees from Europe, and IDPs (e.g. paragraph 7) and, separately, the return of refugees and migrants (e.g. paragraph 5).

and Reintegration Strategy of 2015.[53] The 2017 Policy Framework was produced to "cover the specific needs and interventions in Afghanistan on issues of refugees and IDPs, including those who continue to remain displaced within the country."[54] It takes into account the 2013 IDP Policy, which provides "a basis for achieving durable solutions for IDP populations in Afghanistan",[55] as well as the Comprehensive Voluntary Repatriation and Reintegration Strategy,[56] citing both as "key guides for Government action."[57] The 2017 Policy Framework applies to all government ministries and agencies, as well as all actors operating within the country.[58] It is intended to be compatible with the government's obligations and commitments under "applicable international agreements and conventions with regard to Afghan returnees and IDPs".[59] The 1998 Guiding Principles on Internal Displacement are not explicitly referenced.

Presidential Decree 305 (2018)

In August 2018, Presidential Decree 305 ("Presidential Decree of the Islamic Republic of Afghanistan on the Identification and Allocation of Suitable Land for the Re-integration and Construction of Affordable Housing for Returnees, Internally Displaced Persons and Families of Martyrs of the Country's Security and Defense Forces") was adopted.[60] The decree seeks to improve access to state land and adequate housing to support durable solutions for returnees and IDPs.[61] It explains governance structures and identifies criteria for land suitability and the selection of beneficiaries. Conflict and disaster IDPs are not explicitly mentioned.

Presidential Decree 305 lists six core and seven recommended criteria for identifying suitable land, in which reference is made to conflict and disaster dimensions.[62] All six core criteria must be satisfied for land to be deemed suitable. This means land must be "clear of landmines, explosives, and high level contamination"[63] and should not present a "foreseeable risk of severe hazards such as heavy floods, avalanches, and landslides".[64] Based on the recommended criteria land cannot be "contaminated by chemical, biological, or any other kind of pollutants".[65]

Criteria for selecting beneficiaries involves two steps: an eligibility assessment and a subsequent vulnerability assessment.[66] To be eligible, IDPs must show at least five years of continuous displacement, evidenced by the specific documentation listed in the decree.[67] The vulnerability

[53] Ibid., paragraph 9.
[54] Ibid.
[55] Ibid.
[56] Ibid. See also "Comprehensive Voluntary Repatriation and Reintegration Strategy" [draft] (Afghanistan, 2015). Available from www.refworld.org/docid/5b7299cb4.html (accessed January 2021).
[57] Ibid., paragraph 20.
[58] Ibid., paragraphs 10 and 17.
[59] Ibid., paragraph 10.
[60] "Decree 305: Presidential Decree of the Islamic Republic of Afghanistan on the Identification and Allocation of Suitable Land for the Re-integration and Construction of Affordable Housing for Returnees, Internally Displaced Persons and Families of Martyrs of the Country's Security and Defence Forces" (Afghanistan, 2018) [unofficial English translation on file with the author]. See also "Ministerial Statement for reference to document and its adoption". Available from www.unhcr.org/en-ie/5bb3624e4.pdf (accessed July 2020).
[61] Ibid., article 2.
[62] Ibid., articles 9 and 10.
[63] Ibid., article 9(3).
[64] Ibid., article 9(6).
[65] Ibid., article 10(1)(i).
[66] Ibid., articles 17 and 19.
[67] Ibid., article 17.

criteria are to be set out in an implementation procedure.[68] If the eligibility and vulnerability requirements are met, applicants are entered on a beneficiary database.[69] There is also a method for prioritization if eligible families exceed the number of available land parcels.[70]

3. Non-IDP-specific laws and policies

3.1. Disaster risk reduction and disaster risk management

Law on Disaster Response, Management and Preparedness (2012)

Afghanistan's Law on Disaster Response, Management and Preparedness (DRM Law) covers the management, prevention and mitigation of the causes of "natural" and unnatural (human generated) disasters, as well as post-disaster responses and impacts.[71] It does not explicitly reference displacement or IDPs (or other forms of human mobility). An "emergency situation" is defined as "a sudden on-set crisis or life threatening situation beyond the capacity of people to cope, such as flood, earthquake, land slides, fires, cholera or other epidemics and etc, in which situation the [National Disaster Management Commission (NDMC) (discussed further below)] shall declare a national emergency situation in the country."[72] While the non-exhaustive examples do not include drought or storms, the definition of "natural disasters" covers these phenomena[73] and the NDMC, which is discussed further below in this report, has a duty to "declare an emergency situation due to devastating disaster and to declare end of it [sic]."[74] Unnatural disasters are also defined and include explosions, burns, major accidents and "other human generated disasters".[75] Conflict is not mentioned.

Afghanistan National Strategy for Disaster Risk Reduction 2018–2030

The State Ministry of Disaster Management and Humanitarian Affairs and the Afghanistan Nationale Disaster Management Authority (ANDMA) led the development of the Afghanistan National Strategy for Disaster Risk Reduction 2018–2030 (ASDRR), which is intended to align with the Sendai Framework for Disaster Risk Reduction 2015–2030.[76] It covers five strategic focus areas, including integrating risk reduction into development policies and plans and promoting knowledge and innovation for empowering at-risk communities. Human rights are noted in a section highlighting key guiding principles for implementation: "[m]anaging the risk of disaster is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as culture and environmental assets, while promoting and protecting all human rights, including the right to development."[77]

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[68] Ibid., article 19.

[69] Ibid., article 21.

[70] Ibid., articles 20 and 23.

[71] "The Law on Disaster Response, Management and Preparedness in the Islamic State of Afghanistan" (Afghanistan, 2012). Available from climate-laws.org/cclow/geographies/afghanistan/laws/law-on-disaster-response-management-and-preparedness (accessed July 2012), articles 1 and 5. This is an unofficial translation of the law. Efforts to obtain an official translation have been unsuccessful. This document may be a summary and draft version of the actual law that was ultimately adopted based on discussions with ANDMA. As such it is likely to contain errors, which is why it has only been summarised briefly here. Efforts to obtain a translated version of the adopted law have also been unsuccessful.

[72] Ibid., article 2(1). Errors in original.

[73] Ibid., article 3.

[74] Ibid., article 8.

[75] Ibid., article 4.

[76] "Afghanistan Strategy for Disaster Risk Reduction in Line with the Sendai Framework for Disaster Risk Reduction" (Afghanistan, 2018) [on file with the author].

[77] Ibid., p. 45 (section 3.4.3).

The ASDRR does not mention IDPs and there is only one reference to displacement, which is relates toa priority measure on investing in DRR for resilience.[78] There are, however, notable references to the intersection between disasters, climate change and conflict. For example, one objective relates to strengthening coherence and integration between aspects including DRR, climate change adaptation, conflict and fragility, and development imperatives.[79] Another relates to:

> Strengthening mechanisms, frameworks and capacities at national and provincial/local levels for mainstreaming, implementing and coordinating disaster risk reduction strategies and programmes that also address risk drivers, such as poverty, public health, climate change and variability, poorly managed urbanization, *conflict and migration*, environmental degradation.[80]

3.2. Climate change adaptation

National Action Plan, National Adaptation Programme of Action (2009) and Intended Nationally Determined Contribution (2015)

Afghanistan has not submitted a national action plan[81] and the country's National Adaptation Programme of Action (NAPA), which was submitted in 2009, together with the National Capacity Needs Self-Assessment for Global Environmental Management, does not mention IDPs or the displacement of people.[82] The programme of action includes two references to forced migration, recognizing that drought can lead to such a predicament.[83] There are also contextual references to conflict in general, including specific conflicts over water resources. The Afghan Intended Nationally Determined Contribution was submitted in 2015 and does not mention displacement or human mobility, although it does contain one background reference to the effects of war.[84]

National Climate Change Strategy and Action Plan (2019)

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[78] Ibid., p. 54 (section 4.1.2, priority 3). The priority area simply states "Non-structural measures, e.g. standards, health and Social Safety net and displacement" and the result to be achieved by 2030 states "Developed a national strategy to ensure effective non-structural measures in developing standards, SOPs, health and safety for the protection of people and their properties. Mechanisms in place and standards and health and safety measures are improved."

[79] Ibid., pp. 43–44 (section 3.3.1).

[80] Earlier documents on this theme (which may be superseded or no longer applicable) include: "Disaster Management Strategy, 2014–2017" (Afghanistan, 2014). Available from www.fao.org/faolex/results/details/en/c/LEX-FAOC168612/ (accessed July 2020); "Strategic National Action Plan (SNAP) for Disaster Risk Reduction: Towards Peace and Stable Development (2011)" (Afghanistan, 2011). Available from www.preventionweb.net/english/professional/policies/v.php?id=60012 (accessed July 2020); and "National Disaster Management Plan (2010)" (Afghanistan, 2010). Available from www.refworld.org/docid/5b28e69f4.html (accessed July 2020). Some literature also notes a strategic framework for 2018–2028; however, while a draft of this document was produced, informant interviews between March and July 2020 suggest it is no longer applicable. "Disaster risk reduction and protracted violent conflict" (Rodrigo Mena, Dorothea Hilhorst and Katie Peters, 2019). Available from www.odi.org/sites/odi.org.uk/files/resource-documents/12883.pdf (accessed July 2020).

[81] "National Adaptation Plans" (United Nations Framework Convention on Climate Change [UNFCCC], n.d.). Available from www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx (accessed July 2020).

[82] "National Capacity Needs Self-Assessment for Global Environmental Management (NCSA) and National Adaptation Programme of Action for Climate Change (NAPA): Final Joint Report, February 2009" (Afghanistan, 2009). Available from https://unfccc.int/resource/docs/napa/afg01.pdf (accessed July 2020).

[83] Ibid., pp. 70 and 80 (table 8 and section 10.2).

[84] "INDCs as communicated by Parties" (UNFCCC, n.d.). Available from www4.unfccc.int/sites/submissions/indc/Submission%20Pages/submissions.aspx (accessed July 2020), p. 2.

Afghanistan also has a National Climate Change Strategy and Action Plan. However, this document is not available in English.[85]

3.3. Development

Afghanistan National Peace and Development Framework 2017–2021

Afghanistan's National Peace and Development Framework (ANPDF) for 2017–2021 is a strategic plan to achieve self-reliance and improve the welfare of the country's people.[86] The ANPDF notes the need to ensure a better future for refugees, returning migrants and IDPs, groups that are seen as presenting both a challenge and an opportunity. It discusses the need to find solutions for displaced people and returning citizens as a vital and central part of the country's development strategy.[87] A proposed intervention in the context of a discussion on increasing labour productivity and investing in capital involves identifying "opportunities to absorb returning migrants and displaced populations into training programs and labor markets".[88] More generally, the ANPDF discusses the country's Citizens' Charter, a whole-of-government initiative to link rural communities, districts, provinces and the central level to promote inclusive development. The charter seeks to build the capacity of community development councils and put in place accountability measures to ensure vulnerable groups like IDPs are included in the development process.[89] The ANPDF also contains a few contextual references to conflict and disaster, including an acknowledgement of the impacts of war on disaster.[90]

4. Institutional structures and coordination architecture

4.1. IDP-specific laws and policies

National Policy on Internally Displaced Persons (2013)

The 2013 IDP Policy contains an extensive chapter on institutional roles and responsibilities.[91] It recognizes that national, provincial and municipal governments are primarily responsible for protecting and assisting all IDPs and communities affected by displacement. MoRR is the lead ministry for internal displacement, the institutional focal point and provider of last resort.[92] The Ministry has broad authority and its areas of responsibility include developing an implementation plan; coordinating with other ministries and other actors; developing information management systems; consulting with affected persons; identifying policy and legislative gaps; and mobilizing resources. The IDP Policy acknowledges the need to strengthen the Ministry's capacity to discharge its responsibilities and functions.

The 2013 IDP Policy establishes an inter-ministerial coordination committee on refugees, returnees and IDPs to build a common understanding on IDPs, including the drivers of

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[85] "Afghanistan's Climate Change Strategy and Action Plan" (Afghanistan, 2019). Available from https://neis.nepa.gov.af/public/AjlP69ZzLp (accessed July 2020).
[86] "Afghanistan National Peace and Development Framework (ANPDF) 2017 to 2021" (Afghanistan, n.d.) www.refworld.org/pdfid/5b28f4294.pdf (accessed July 2020).
[87] Ibid., p. 7.
[88] Ibid., p. 25.
[89] Ibid., p. 26; the ANPDF also contains references to other forms of human mobility.
[90] Ibid., p. 6.
[91] Footnote 13 (Afghanistan, 2013), section 4.1.
[92] Ibid., section 4.2.

displacement and obstacles to return and reintegration. It is responsible for providing advice on the development and implementation of the IDP Policy, ensuring clear division of roles and responsibilities among government bodies, and budgetary action.[93] MoRR chairs the committee, participates in relevant coordination meetings with the international community, and provides guidance to local authorities on IDP issues and the implementation of IDP Policy through its Directorates for Refugees and Repatriation (DoRRs) at the provincial level.[94]

ANDMA is another key actor.[95] It is the designated lead agency, with a mandate to address the immediate short-term emergency needs of persons affected and displaced by disasters. The authority's responsibilities (discussed in more detail below) include prevention and mitigation, emergency response and post-disaster recovery in emergencies. For all its activities and programmes concerning displacement, ANDMA is required to coordinate with MoRR at the national level and the DoRRs at the provincial level, as well as other relevant actors.[96]

The National High Commission for Disaster Management (NDMC) is the main body responsible for setting national policy direction on reducing the risk of disasters through vulnerability reduction and responding to emergency situations.[97] ANDMA serves as its secretariat and principal executing body at the national level. The NDMC has a membership of over 20 ministries and agencies that represent key sectors that play critical roles in managing disasters and is led by the Second Vice-President. As noted in the IDP Policy, the responsibilities of the NDMC include preventing displacement and mitigating the effects of disasters. The IDP Policy also discusses the roles and responsibilities of a range of other actors. These include line ministries and government bodies with sectoral responsibilities for IDPs,[98] provincial and local authorities, and the country's Independent Human Rights Commission, as implementing partners, as well as the international community, civil society, and IDPs and communities affected by displacement.[99]

As previously noted, the IDP Policy requires provincial actors, in consultation and coordination with other relevant stakeholders, to develop a strategy to address provincial displacement situations, with an action plan focused on finding durable solutions.[100] In this respect, the IDP Policy includes an annex of guidelines for developing a strategy and action plan.[101]

Policy Framework for Returnees and IDPs (2017)

Under the 2017 Policy Framework, the High Migration Council (chaired by the President) is the body ultimately responsible for defining and updating national policy and resolving matters of interpretation.[102] The Subcommittee on Migration Affairs of the Council of Ministers is the main

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[93] Ibid., section 4.3.1.

[94] Ibid., section 4.2.

[95] Ibid., section 4.3.2. For more on ANDMA, see also https://dmac.gov.af/andma/ (accessed July 2020). A Presidential Decree empowers ANDMA as a nodal agency responsible for coordinating all disaster-related interventions in Afghanistan.

[96] Ibid., section 4.3.2(c); ANDMA is also responsible for mine action.

[97] Footnote 13 (Afghanistan, 2013), section 4.3.3. Some instruments may have abbreviated this body differently, including as NCDM and NDMC. Correspondence has confirmed that each acronym refers to the same body.

[98] Ibid., section 4.4; see also annex 2, which discusses the roles and responsibilities of a range of ministries, including the Ministry of Interior Affairs, the Ministry of Rural Rehabilitation and the Ministry of Defence, as well as other actors discussed such as ANDMA and the NDMC.

[99] Ibid., section 4.4.

[100] Ibid., section 8.2.1.

[101] Ibid., see annex 3. The Guidelines discuss the relevance of ANDMA.

[102] Ibid., paragraph 19.

decision-making body for operational issues relating to returnees and IDPs, with MoRR serving as its secretariat. The Displacement and Return Executive Committee (DiREC) (chaired jointly by the Office of the Chief Executive, MoRR and the United Nations Assistance Mission to Afghanistan, and including a number of other actors) is responsible for the implementation of the Policy Framework. DiREC is supported by three working groups (policy, technical and financial). MoRR is represented in each group but ANDMA is not, although it is mentioned in a discussion on winterization coordination.[103]

Presidential Decree 305 (2018)

Under Presidential Decree 305, the High Commission for Migration, chaired by the President, is responsible for all policy decisions relating to returnees and IDPs.[104] The decree establishes an inter-ministerial executive committee for returnees, IDPs and martyrs' families, which is responsible for coordination among governmental and non-governmental institutions. MoRR, the Independent Directorate of Local Governance, a representative of the Chief Executive Office and the "Office of the United Nations" jointly lead the Executive Committee.[105]

Other governance structures include a land identification and selection committee, a beneficiary selection coordinating commission, provincial beneficiary selection consortia and reporting and oversight mechanisms. MoRR and ANDMA are represented in the land identification and selection committee.[106] Provincial beneficiary selection consortia are established and operationalized in "provinces of high return where suitable land is available for allocation",[107] and are composed of international organizations, MoRR and municipal and other actors.[108] A beneficiary selection coordinating commission is established to coordinate activity at the provincial level and includes the provincial beneficiary selection consortia.[109]

4.2. Non-IDP-specific laws and policies

Law on Disaster Response, Management and Preparedness (2012)

While the 2012 DRM Law discusses a number of institutional structures and arrangements, some aspects are outdated or superseded.[110] As such, the bodies, roles and responsibilities in the DRM Law are not covered here. Key actors with mandates on disaster preparedness, response and management, including the NDMC and ANDMA have been highlighted above and are also discussed below.

Afghanistan National Strategy for Disaster Risk Reduction 2018–2030

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[103] Ibid., paragraph 20. Informants and correspondence suggest that some of the bodies noted as responsible for implementing and coordinating this framework, such as DiREC, may not necessarily be operational.
[104] Footnote 60, article 3(1).
[105] Ibid., article 3(2). Informants and correspondence indicate that the coordinating and decision-making bodies noted in this paragraph are the same the bodies (DiREC and the High Migration Council) discussed in the 2017 Policy Framework, notwithstanding slight variations in the names.
[106] Ibid., article 4.
[107] Ibid., article 5(1).
[108] Ibid., article 5(2).
[109] Ibid., article 5(6).
[110] Informant interviews conducted between March and July 2020.

The ASDRR confirms that the NDMC is the main body responsible for national policy on disaster management and that ANDMA leads the implementation.[111] The members of the NDMC include the Minister for Refugees and Repatriation. The ASDRR reiterates many aspects of the roles and responsibilities of ANDMA (as previously noted). ANDMA is the main national institution tasked with coordinating and managing all aspects related to disaster mitigation, preparedness and response. ANDMA has provincial directorates in all 34 provinces in Afghanistan and also delivers its mandate through these bodies.[112] The ASDRR explains that:

> ANDMA lacks in capacities to lead disaster risk identification, prevention, response and post-disaster recovery. ANDMA's provincial offices are also lack in both material infrastructure and staff numbers. The human resources of ANDMA at national and provincial level are limited in knowledge and skills toala operationalize and undertake Disaster Risk Management (DRM), which threatens to undermine the credibility of the Government when disasters occur.[113]

The ASDRR covers the establishment of the provincial disaster management committees and district disaster management committees.[114] Provincial governors head the provincial committees, while the district committees are headed by district governors.[115] Representatives of relevant government departments and, where applicable, municipal and community representatives support each body. The DoRRs are members of the provincial committees. At the community level, the community development councils (discussed above) also play a key role. The ANDMA provincial directors serve as the secretariat and operational arm of the provincial committees.[116] In 2015, a State Minister for Disaster Management and Humanitarian Affairs was appointed, with a dual role as Chair of ANDMA.[117]

National Adaptation Programme of Action (2009) and Intended Nationally Determined Contribution (2015)

The National Environmental Protection Authority is the lead institution for the implementation of the NAPA process.[118] The Intended Nationally Determined Contribution (INDC) states that the authority is tasked with addressing environmental concerns and continues to work with all parts of the government to mainstream environmental and climate considerations into the country's development plan. It does not mention MoRR or ANDMA.[119]

Afghanistan National Peace and Development Framework 2017–2021

The ANPDF explains how a high economic council serves as an umbrella forum for making final decisions on economic policy and budgets. Development councils are responsible for setting

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[111] Footnote 76, p. 31 (chapter 2, Executive Summary).
[112] Ibid., pp. 34–35 (section 2.4); "ANDMA, National Disaster Management Information System" (Afghanistan, n.d.). Available from http://ndmis.andma.gov.af/en/reports (accessed July 2020).
[113] Footnote 76, p. 32 (section 2.3).
[114] Ibid.
[115] Informant correspondence suggests that the district committees are not necessarily functional in practice.
[116] Informant interviews carried out between March and July 2020.
[117] Footnote 112 (Afghanistan, n.d.).
[118] Footnote 82, pp. 29–31.
[119] Footnote 84, pp. 2–3.

development priorities, overseeing policymaking and national priority programmes, addressing the fragmentation of mandates, and monitoring progress.[120]

5. Insights on practice

The following discussion reflects insights and *perceptions* based on practice. They were gathered through remote interviews with 21 informants. Where specific documents are discussed, they are referenced in footnotes.

5.1. Practice insights on conflict, disaster and displacement dynamics

Multi-causal vulnerability and displacement

The situation in Afghanistan is fluid and volatile. There are multiple drivers of insecurity, including conflict, disasters, poverty, inequality, lack of or inability to access basic livelihoods and services, and chronic underdevelopment. These factors interact and increase vulnerability. For example, droughts and floods perpetuate poverty. The significance of a given driver may vary for individuals and households at different points in time and it is hard to say that any one driver works in isolation to compel movements. Internal displacement is not *caused* by one particular or single factor and drivers cannot be separated easily. Insecurity created by multiple drivers underpins internal displacement, even if the most proximate, visible or dominant trigger may be conflict or a disaster. The drivers of internal displacement in Afghanistan are multi-causal and cumulative.

Even specific shocks such as droughts can perpetuate or compound underlying vulnerabilities. For example, generalized insecurity increased people's susceptibility to adverse consequences from the 2018 drought, highlighting the extent of conditions of vulnerability in the affected regions. The drought may have been the immediate trigger but years of conflict and insecurity amplified the need to move. When disaster occurs, it is difficult and imprecise to isolate it as the only trigger. This is also true of districts where there may be conflict and violence but not necessarily disasters.

Contemporary dynamics are underpinned by decades of largely unabated conflict and cyclical and recurring disasters. People's resilience and coping capacity, including traditional mechanisms, have eroded over time. In this context, high levels of debt and negative coping strategies are common. Some people have given up and continue to live side-by-side with insecurity.[121]

Afghanistan also provides important insights into the forced–voluntary dichotomy: while the immediate trigger of displacement may be conflict or disaster, people may remain displaced not only due to safer conditions but also because of better access to services such as education or quality of life considerations, including future aspirations.

Data, disaggregation and implications for programming

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[120] Footnote 86, p. 14.
[121] Informant interview on file with the author.

The immediate trigger of displacement (conflict or disaster) is generally identified when information is disaggregated. When people are asked to explain reasons in data-collection surveys, livelihoods, insecurity (conflict and violence) and disaster are all mentioned, including in the western provinces of Afghanistan. The drivers of secondary displacement may be different or similar to the original reasons. Multiple factors also influence intentions to return, which do not necessarily mirror the factors that compelled flight. As displacement becomes protracted, the reasons for staying in places of refuge or the factors inhibiting return may also change.

Rather than – or in addition to – disaggregating data by the most immediate trigger, it may be valuable to better understand how a given driver has influenced displacement and to appreciate vulnerability through a historical lens. Similarly, it may be helpful to understand and track factors that inhibit or motivate intentions to return. Understanding the significance of different drivers can be an important part of the analysis and response. For instance, more granular information may provide a more comprehensive picture of the multiple drivers of displacement and refined insights for prevention, early recovery and solutions programming, including development interventions related to education, health and basic services. It is important to accommodate and report on complexity, abandoning clear-cut disaggregation between conflict and violence, on the one hand, and disaster, on the other.[122] In Afghanistan, the multiplicity of drivers is not as well understood or analysed, since there is limited focus on early recovery and efforts to minimize displacement (see the discussion of these themes in section 5.3)

Characteristics of displacement associated with conflict and with disaster

Internal displacement associated with conflict and violence permeates Afghanistan. Conflict has touched and displaced countless people: "[c]onflict is the natural state of things, and then everything else comes on top of it."[123] When conflict triggers internal displacement, there are movements into government-controlled areas from areas controlled or contested by armed groups. IDPs fleeing areas controlled by non-State actors can sometimes be viewed with mistrust. Some people also displace into areas inaccessible to government authorities and humanitarian actors. Access to IDP populations in provinces and districts that are not under government control is a challenge. This is also true when a disaster occurs in such locations or in the middle of a conflict situation. Security impediments, costs, donor requirements and logistical challenges may all affect the breadth and adequacy of responses.

In general, informants reported that people displaced by sudden-onset disasters do not move far. Take flooding, for example, which occurs seasonally every year: some people stay inside partially damaged homes and dwellings and are not displaced, while many people stay with family or friends in their communities. Informants also indicated that displacement associated with floods generally lasts for a short period. People go back to their homes, unless they have been completely or irreparably destroyed. Sometimes serious disasters, such as landslides and avalanches, have completely destroyed homes and communities and people have been permanently displaced.

Under the standard emergency response mechanism, people who are displaced in the context of conflict or disasters generally receive just one assistance package, usually within 0–6 months.

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[122] Informant interview on file with the author.
[123] Informant interview on file with the author.

Aside from the unique case of the drought in 2018, which is discussed below, and with the exception of winterization-related assistance packages, IDPs do not receive additional or continuous packages of aid.

For multiple reasons, IDPs who fled in the context of the 2018 drought received multiple packages of emergency assistance. Most drought-affected IDPs were located in open, identifiable informal settlements, including on private land. Assessment and response mechanisms faced challenges due to the scale and nature of displacement and the complexity of drivers. Political dynamics related to issues such as land allocation, "pull factors" and social discord also presented complications.[124] While there were expectations that these "disaster" IDPs would return home eventually and once the drought had passed, the complexity of drivers including insecurity in areas of origin meant that many did not return. Indeed, few pathways to sustainable assistance to support durable solutions were available.[125]

Protracted displacement

Many IDPs end up in protracted displacement and are extremely vulnerable. Informants noted that the duration of displacement is an important determinant of the level of vulnerability. IDPs in protracted situations are more likely to have fled in the context of conflict and to experience chronic vulnerability. They are perceived as "deserving" support, since they are unable to return to their places of origin due to insecurity, whereas people displaced by disasters are perceived as being able to return home.[126] In some respects, there is less resistance towards accepting the predicament and need for long-term solutions and land allocation towards IDPs affected by conflict. Ethnic compositions and cultural dynamics are some of the factors that affect social cohesion and the extent to which host communities support the integration of IDPs.

Tracking IDPs and long-term needs

There is no nationwide consolidated information system providing data on the scale and characteristics of displacement in Afghanistan, although there are efforts to improve data collection and sharing. In this context, intergovernmental actors support the collection and consolidation of data. Nonetheless, the full scale of internal displacement associated with conflict and disaster is not known. Capturing displacement figures in inaccessible provinces is challenging. Secondary displacement is not captured. Data on displacement associated with disaster is not collected. IDPs who settle with family and friends and who do not seek assistance and support from government authorities and intergovernmental actors may not be included in estimates. In addition, mechanisms to systematically track the circumstances and needs of protracted IDPs are insufficient.[127]

Shift from status-based humanitarian responses to needs and vulnerability

Status-based approaches to certain humanitarian responses have been subject to ongoing criticisms, partly due to inequities created for different populations. Refugees and returnees can

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[124] Informant interview on file with the author.
[125] See footnote 19 (OCHA, 2020).
[126] Informant interview on file with the author.
[127] Footnote 17 (United Nations Human Rights Council, 2017), paragraph 12; footnote 1; "Humanitarian Response: Afghanistan" (OCHA, n.d.). Available from www.humanitarianresponse.info/en/operations/afghanistan (accessed August 2020).

become IDPs, while IDPs may also become refugees and returnees, and there are challenges to categorization as people are constantly on the move in Afghanistan.[128] Advocacy to shift to approaches based on vulnerability and needs have led to recent changes. The desire to move away from a status-based approach is reflected in the 2020 midyear review of the Afghanistan Humanitarian Response Plan, which "prioritises action to assist the most vulnerable in the community, irrespective of shocks."[129] The revised parameters for humanitarian action, which are intended to align with international approaches and better address the nature and extent of needs in 2020 and beyond focus on three groups of people in need: (1) shock-affected people in need of emergency assistance (including new IDPs, cross-border returnees and people affected by "natural disaster"); (2) vulnerable people with ongoing support requirements (including protracted IDPs, refugees in Afghanistan and people with specific needs, such as people with disabilities, the elderly and female-headed households); and (3) people who require resilience and recovery assistance to prevent them slipping into worse humanitarian need.[130]

Access to identity documents

Obtaining a civil national identity card (the *tazkera*) is a widely documented challenge for IDPs.[131] The card is the primary document for demonstrating proof of identity, obtaining other civil documents (e.g. marriage and death certificates) and accessing services and rights like education. In practice the card must be obtained in the province of origin, Kabul or other central provinces. Returning to origin presents challenges that are unrelated to the trigger for displacement, such as costs and gender-related dimensions. IDPs who have fled districts affected by conflict may also face additional impediments. There are advocacy efforts and pilot programmes to support IDPs in obtaining identification documents.

5.2. Practice insights on law and policy

Implementation of the 2013 IDP Policy

The implementation of the 2013 IDP Policy has faced a range of challenges, meaning it has remained a neglected resource.[132] While the IDP Policy is recognized as a robust, authoritative instrument able to support advocacy on behalf of IDPs, it has "suffered from slow implementation, uneven government commitment and institutional understanding, and limited capacity to operationalize."[133] Political changes and priorities have also shifted attention away from the IDP Policy and its implementation towards the 2017 Policy Framework, which is focused on return and reintegration and does not mention disaster-related displacement.[134]

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[128] Informant interview on file with the author.

[129] Footnote 19 (OCHA, 2019), p. 9.

[130] Footnote 19 (OCHA, 2019), p. 13.

[131] See footnote 19 (OCHA, 2019). See, more generally, "Escaping war: where to next? A research study on the challenges of IDP protection in Afghanistan" (Norwegian Refugee Council, Internal Displacement Monitoring Centre and Samuel Hall, 2018). Available from www.nrc.no/resources/reports/escaping-war-where-to-next-the-challenges-of-idp-protection-in-afghanistan/ (accessed August 2020).

[132] "Study on the National Policy on Internally Displaced Persons" (Monica Sandri, 2018). Available from http://www.acbar.org/upload/1568887246591.pdf (accessed August 2020); footnote 25; footnote 17 (United Nations Human Rights Council, 2017); "Domesticating the Guiding Principles in Afghanistan" (Nassim Majidi and Dan Tyler, 2018). Available from www.fmreview.org/GuidingPrinciples20/majidi-tyler (accessed August 2020).

[133] Footnote 132 (Monica Sandri, 2018), p. 5.

[134] See also footnote 17 (United Nations Human Rights Council, 2017), paragraph 18.

Whereas high-level authorities and MoRR representatives in Kabul are aware of the 2013 IDP Policy, informants reported that awareness is extremely limited at the provincial levels. Implementation of the IDP Policy has not been subject to ongoing monitoring and evaluation and has limited influence on responses.[135] In general, informants also indicated that IDPs and host communities also have limited awareness of the IDP Policy and the accompanying rights framework, although this does not necessarily mean IDPs are unaware of their rights under the Afghanistan Constitution.[136]

In 2018, a study "to take stock of the implementation of the IDPs Policy and to formulate recommendations for improving implementation"[137] confirmed that:

> [A]lthough there is a general awareness of the Policy among most stakeholders, especially those directly involved in its implementation, government officials do not always know the Policy in detail or understand their role in implementing it. This is particularly true for government actors at the provincial level, who are reportedly unable to abide by the principles set out in the Policy, as in many cases they are not aware of the procedures or their exact responsibilities. Communities complain of the limited outreach of the government not only in informing displaced people about their rights, but also in delivering services. Services delivered are considered of poor quality and insufficient to cover the needs of both host and displaced communities. Competing political priorities, and the turnover of government officials are identified by informants as being among the main hindrance to disseminating and implementing the Policy, particularly at the provincial level.[138]

Under the IDP Policy, a national implementation plan was to be produced within six months of its adoption and subsequently reviewed on an annual basis.[139] While this has not occurred,[140] following the study mentioned above, technical support has now begun to help MoRR develop its first national action plan. MoRR signed a memorandum of understanding with Welthungerhilfe Afghanistan for this purpose. The development of the draft national action plan has primarily drawn on insights, suggestions and data from relevant governmental authorities at the national and provincial levels, IDPs and communities affected by displacement, and representatives from the humanitarian and development community. They were collected through consultations and workshops held across 14 provinces over the course of 2019. The action plan seeks to operationalize and facilitate the implementation of the IDP Policy by identifying concrete and tangible measures applicable to addressing the rights of IDPs, emphasizing durable solutions. To ensure it can be implemented, the plan will include clear actions and indicators for monitoring and evaluation, including for tracking progress. The draft national action plan is under consultation with relevant ministries and other key actors.

Provincial governors were also required to lead the development of provincial action plans, given the range of the drivers, scale and nature of displacement, available resources and options for solutions. Action plans were drafted in some provinces, including Herat, Kabul, Balkh and

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[135] See footnote 132 (Monica Sandri, 2018).
[136] "IDPs perspectives on the National IDP Policy" (Agency Coordinating Body for Afghan Relief and Development, forthcoming).
[137] Footnote 132 (Monica Sandri, 2018), p. 10.
[138] Ibid., p. 5.
[139] Footnote 13 (Afghanistan, 2013), section 8.2.2.
[140] See footnote 132 (Monica Sandri, 2018).

Nangarhar, with mixed results.[141] The Herat action plan is perhaps the exception:[142] it has been revised a number of times and some of its activities, including construction and development projects to improve services and conditions within an IDP settlement were implemented.[143] Provincial action plans are subject to endorsement at the national level, which has also presented bureaucratic hurdles.[144]

Discussions on the need to review the IDP Policy to account for changes in the scale and dynamics of internal displacement in Afghanistan are also under way.[145] The review may summarize the current policy, which is regarded as too detailed, and will also account for normative changes, including Presidential Decree 305.[146]

Impediments to implementing the IDP Policy

In addition to the challenges stemming from the petition system and identity documents, as noted in other research,[147] impediments to the implementation of the IDP Policy have included insufficient budget and insufficient government commitment. Technical and overall human resource capacity at different levels of governance is limited, particularly given the low levels of awareness of the IDP Policy. Attrition and turnover stemming from the shifting political dynamics in Afghanistan, as well as bureaucracy, mistrust, a lack of accountability also undermine the progress and sustainability of implementation. The failure to adopt robust monitoring and evaluation mechanisms have contributed to this dynamic.[148] Informants also noted that government actors and coordinating bodies come into and go out of existence and understanding the roles and responsibilities of different actors has proved problematic.

Presidential Decree 305, eligibility criteria and disaster IDPs

At first sight, Presidential Decree 305 is applicable to conflict and disaster IDPs, as well as returnees. However, IDPs have faced challenges registering under the scheme. Of the more than 10,000 households registered as eligible for land during the first half of 2020 in Kabul and Herat, which have served as pilot sites, the vast majority are returnees. In general, IDPs struggle to prove five years of continuous displacement, leaving them unable to satisfy the eligibility criteria. Humanitarian registration documents are often required to prove their status. The few hundred IDP households that had been registered during the first half of 2020 had fled in a context of conflict. In comparison, IDPs displaced in the context of disasters struggle to provide documented evidence of their displacement history. Indeed, IDPs who flee in the context of

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[141] See also footnote 132 (Monica Sandri, 2018), p. 15; footnote 17 (United Nations Human Rights Council, 2017), paragraph 17.
[142] See footnote 132 (Monica Sandri, 2018); footnote 136 (Agency Coordinating Body for Afghan Relief and Development, forthcoming); "Action Plan for Integration: Herat" (Asia Displacement Solutions Platform, 2019). Available from https://adsp.ngo/publications/action-plan-for-integration-herat/ (accessed August 2020).
[143] See also footnote 132 (Monica Sandri, 2018); footnote 17 (United Nations Human Rights Council, 2017); footnote 142 (Asia Displacement Solutions Platform, 2019).
[144] Footnote 142 (Asia Displacement Solutions Platform, 2019).
[145] See also "IDP data and evidence to prevent and address internal displacement, including to ensure durable solutions" (Global Protection Cluster, 2020). Available from www.globalprotectioncluster.org/2020/07/17/gp20-webinar-idp-data-and-evidence-to-prevent-and-address-internal-displacement-including-to-ensure-durable-solutions/ (accessed August 2020).
[146] The 2013 IDP Policy refers to "Presidential Decree 104 on Land Distribution for Housing to Eligible Returnees and IDPs from 2005" (Afghanistan, 2005). Available from www.refworld.org/docid/5b28e4334.html (accessed August 2020). This has been superseded by Presidential Decree 305.
[147] See footnote 131 (Norwegian Refugee Council, Internal Displacement Monitoring Centre and Samuel Hall, 2018).
[148] See also footnote 132 (Monica Sandri, 2018); footnote 17 (United Nations Human Rights Council, 2017); footnote 142 (Asia Displacement Solutions Platform, 2019).

disasters (including the 2018 drought) may not be displaced for five years, although this data does not appear to be tracked. Operational guidelines being prepared to implement Presidential Decree 305 seek to consider proof of eligibility and other impediments to access for IDPs.

In this context, the land allocation scheme appears to be geared towards returnees and IDPs who have been displaced in contexts of conflict and violence for extended periods of time. In contrast, IDPs displaced in the context of disasters are expected to return to their places of origin. Other laws and regulations on land may need to be examined to consider options for IDPs displaced in the context of disasters.[149]

Review of the Disaster Response, Management and Preparedness Law

There are plans to revise the 2012 DRM Law, which has become outdated as a result of developments such as the adoption of the Sendai Framework for Disaster Risk Reduction 2015–2030 at the global level and the ASDRR in Afghanistan. In this respect, stronger monitoring mechanisms are recognized as being important to support implementation.

5.3. Practice insights on institutional structures and coordination architecture

Standard operating procedures for the coordination of emergency responses to IDPs

In May 2019, MoRR and the United Nations Humanitarian Coordinator adopted standard operating procedures for the coordination of emergency responses to IDPs.[150] The procedures are based on the 2013 IDP Policy and set out how activities (assessment, survey and provision of assistance to IDP households) are to be "coordinated and carried out between MoRR, local authorities and humanitarian organizations who are responding to the needs of people displaced by conflict and natural disaster events throughout the country."[151] MoRR developed the procedures with support from ANDMA, the Ministry for Rural Rehabilitation and Development and the humanitarian community. They state that:

> ANDMA is the institutional lead for addressing the urgent and short-term needs of people affected and displaced by natural disasters. ANDMA is responsible for responding and organizing the emergency affairs for the first 72 hours and for the declaration of the end of the emergency situation. If needed, ANDMA, in consultation with MoRR, can extend the emergency response period. Following the initial 72 hours, the primary responsibility shifts to MoRR.

> MoRR together with national institutions and humanitarian organizations aim to coordinate alert, verification and assessment procedures to ensure appropriate responses to new IDPs.

> The United Nations Humanitarian Coordinator, supported by the Office for the Coordination of Humanitarian Affairs (UNOCHA) and, where appropriate, delegated humanitarian

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[149] In this respect, the Afghanistan Land Management Law of 2017 and a Housing Land and Property Guide that under development may be valuable resources.
[150] "Standard Operating Procedures for Coordination of Emergency Response to Internally Displaced Persons" (Ministry of Refugees and Repatriation [MoRR] and United Nations, 2019) [on file with the author].
[151] Ibid., p. 2 (pages are unnumbered).

partners, coordinates the response of non-governmental humanitarian organizations to the needs of the displaced, in collaboration with MoRR and other organizations.[152]

The procedures establish an alert-based system that draws on a variety of sources (including communities and local authorities) to identify and respond to the emergency assistance needs of new IDPs. Information such as the date, location and humanitarian consequences of an incident is collected and verified by DoRRs, OCHA and humanitarian partners. Operational coordination teams are responsible for facilitating assessments of the needs of affected populations. Assessment teams can include available partners from DoRR, humanitarian organizations and ANDMA. These actors are also involved in response planning, which may engage clusters where a more coordinated response by multiple actors is required. Finally, the procedures note that, "[e]xcept for the first 72 hours when ANDMA is responsible […] assistance should always be provided to newly displaced persons after their needs are assessed and confirmed by a reputed [operational coordination team] partner in coordination with DoRRs and OCHA."[153]

Under the new procedures, the pre-existing system of receiving petitions is "no longer the sole and primary basis for the provision of emergency humanitarian assistance."[154] However, the petition mechanism remains in place for DoRRs to register long-term displaced populations to support sustainable solutions.

Memorandum of understanding between MoRR and ANDMA and coordination by provincial disaster management committees

In general, ANDMA coordinates responses to disaster-related emergencies, while MoRR is responsible for conflict-related displacement, including IDPs. Confusion regarding the roles and responsibilities of MoRR and ANDMA in the context of different emergency situations was clarified in 2019.[155] A memorandum of understanding signed between MoRR and ANDMA confirms the latter is responsible for responses within the first 72 hours of an emergency situation, regardless of the trigger for internal displacement. Responsibility then shifts to MoRR.[156]

At the provincial level, provincial disaster management committees, headed by the provincial governor, lead the coordination of responses through ANDMA, which serves as the secretariat. The DoRR and provincial-level actors of other line ministries (including water, agriculture, and rural rehabilitation and development) also serve on the provincial committees. Humanitarian coordination actors are also invited to attend provincial committee meetings. At the district level, lead responsibility rests with the district disaster management committees. Rapid assessment and verification processes provide the insights needed to develop response plans and determine overall needs and the engagement of other actors. During the initial 72 hours, ANDMA provides emergency assistance, including cooked food and non-food items. In practice, based on the capacities and resources of provincial actors (including the relevant DoRR and

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[152] Ibid.
[153] Ibid., p. 4 (pages are unnumbered).
[154] Ibid., p. 2 (pages are unnumbered).
[155] At the time of writing, this document was not available to the author in English.
[156] Informant interview on file with the author.

humanitarian actors), ANDMA may continue to provide support beyond the initial 72 hours. This is particularly true in the context of disaster-related emergencies and displacement.

Humanitarian cluster support

The cluster system has been present in Afghanistan since 2008.[157] The United Nations High Commissioner for Refugees (UNHCR) coordinated humanitarian responses for IDPs until 2016, when coordination was handed to OCHA. UNHCR continues to co-lead the protection cluster with the Norwegian Refugee Council. The coordination architecture in Afghanistan is divided into eight zones, with responses coordinated at the national, regional and subregional levels. Cluster actors at the regional and subregional levels are focused on coordinating and supporting the emergency response (as discussed above). In this context, UNHCR is generally regarded as having lead responsibility for IDPs associated with conflict, while the International Organization for Migration (IOM) is regarded as having lead responsibility for IDPs associated with disasters. OCHA collects estimates of the number of people *displaced* in the context of conflict, whereas, in general, OCHA only appears to collect estimates of people *affected* by disasters.[158] In some contexts, displacement associated with hazards such as floods was noted as being quite brief, making it hard for assessment teams to verify displacement. In contrast, when displacement associated with disasters becomes protracted, estimates are reported.

Disaster risk reduction and early warning mechanisms

While Afghanistan has had policies and a law on DRM for many years, informants noted that investment in DRR and preparedness has been minimal, partly due to the prevalence of conflict.[159] Emergency responses are prioritized and dominate ANDMA interventions, while budgets for prevention and risk reduction activities are limited.[160] Nonetheless, working groups focused on DRR do appear to exist, although the extent to which displacement is considered is unclear. Coordinated and facilitated by other actors (including NGOs) and including representation of ANDMA, they provide mechanisms to support information exchange, technical capacity-building and DRR projects.[161] DRR activities that have been undertaken include community-based DRR education, awareness and training, school safety campaigns and curriculums, pre-positioning items in locations that are inaccessible during winters, support to promote natural resource and ecosystem management and construction of retaining walls and culverts.

Early warning mechanisms are a key priority, including for IDPs, however, Afghanistan does not have a nation-wide early warning system.[162] Various donors support the country's efforts to develop its early warning architecture. For instance, recognizing the human and financial costs

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[157] "Humanitarian Response: Afghanistan: Inter Cluster Coordination" (OCHA, n.d.). Available from www.humanitarianresponse.info/en/operations/afghanistan/inter-cluster-coordination (accessed August 2020).
[158] See footnote 127 (OCHA, n.d.).
[159] See also footnote 7 (Rodrigo Mena, Dorothea Hilhorst and Katie Peters, 2019); footnote 17 (United Nations Human Rights Council, 2017), paragraph 13.
[160] See also footnote 7 (Rodrigo Mena, Dorothea Hilhorst and Katie Peters, 2019), p. 22.
[161] See also ibid; "Factsheet" (Afghanistan Resilience Consortium, n.d.). Available from wedocs.unep.org/bitstream/handle/20.500.11822/22972/ARC_SRACAD_FS_English.pdf?sequence=2 (accessed August 2020); "Coordination of Afghan Relief (CoAR)" (PreventionWeb, n.d.). Available from www.preventionweb.net/organizations/10029/profile (accessed August 2020); and www.coar.org.af.
[162] Intergovernmental actors developed a National Disaster Management Information System in 2016, to support the collection of disaster impact data in the aftermath of a disaster. Correspondence indicates that this system is used at ANDMA provincial offices.

of weather-related hazards, some donors have committed to enhancing the capacity of the Afghanistan meteorological department to provide early and accurate forecasts and warnings ahead of severe weather, including flash floods.[163] In 2020, the government developed a multi-year project on early warning, early action and early finance to address water scarcity, food security and community resilience in the context of drought, with support from intergovernmental actors. The project is envisaged as an opportunity to identify early warning indicators for prediction and analysis, to create better early warning mechanisms and tools, and to enhance the communication and dissemination of early warning information and alerts, helping mitigate disasters and the associated risks. Activities may also be implemented in the context of the Citizens' Charter and in collaboration with community development councils.[164]

Emphasis on emergency humanitarian response and the shift to resilience programming

Informants also noted the predominance of emergency humanitarian responses and life-saving assistance in Afghanistan,[165] especially compared to a more limited emphasis on solutions programming.[166] To a certain extent, this situation is also reflected by the fact that "newly" displaced people receive one tranche of emergency assistance and people who end up in protracted situations are regarded as highly vulnerable with multi-sectoral needs. Diverse challenges related to the availability and ownership of land also influence the emphasis on temporary programming by making it harder to identify longer-term options.

Some informants also noted social cohesion and protection impacts stemming from dependence on humanitarian assistance. Resilience building activities and resource allocation for early recovery and solutions programming have received less attention.

As a tentative sign of a shift in emphasis (at least regarding humanitarian assistance), the 2018–2021 Humanitarian Response Plan for Afghanistan notes that "[a]s resilience and recovery programming is new to the [plan] this year, activities remain modest and will be further developed over time."[167] Supporting vulnerable people to build their resilience is one of three strategic objectives:

> This new objective prioritises action to assist the most vulnerable in the community, irrespective of shocks. It also recognises the struggle faced by people in Afghanistan to pull themselves out of trouble due to repeated displacement and their depleted psychological and financial reserves. This strategic objective is concerned with addressing critical problems related to living standards and critical problems related to resilience and recovery.[168]

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163 See, for example, "Afghanistan Early Warning System Project" (World Meteorological Organization, n.d.). Available from https://public.wmo.int/en/projects/Afghanistan-EWS (accessed January 2021).
164 For more on the Citizen's Charter, see www.ccnpp.org.
165 See footnote 142 (Asia Displacement Solutions Platform, 2019).
166 See also "A long way home: obstacles and opportunities for IDP return in Afghanistan" (Asia Displacement Solutions Platform, 2019). Available from https://adsp.ngo/publications/a-long-way-home-obstacles-and-opportunities-for-idp-return/ (accessed August 2020).
167 Footnote 19 (OCHA, 2020), p. 9.
168 Ibid.

6. Interviews and acknowledgements

Nineteen remote interviews were conducted with a total of 21 key informants between March 2020 and August 2020 to gain insights on recent developments and practice. The majority of informants were based in Afghanistan, one informant worked in a regional capacity and others were formerly based in Afghanistan.

Organization	Number of Interviewees
Asia Displacement Solutions Platform (ADSP)	1
Afghanistan Red Cross (ARC)	2
Afghanistan National Disaster Management Authority (ANDMA)	2
Directorates of Refugees and Returnees (DoRR) (Herat)	1
Internal Displacement Monitoring Centre (IDMC)	1
International Organization for Migration (IOM)	3
Ministry of Refugees and Returnees (MoRR)	1
Norwegian Refugee Council (NRC)	3
United Nations Office for the Coordination of Humanitarian Affairs (OCHA)	1
United Nations Human Settlements Programme (UN Habitat)	1
United Nations High Commissioner for Refugees (UNHCR)	4
Welthungerhilfe (WHH)	1

Annex 3: Colombia case study

1. Conflict, disaster and displacement dynamics

Year	New disaster displacement	New conflict displacement	Conflict displacement stock (IDMC)[1]	Conflict displacement stock (Single Registry of Victims)[2]
2014	20,000	137,000	6,044,000	7,236,090
2015	4,600	224,000	6,270,000	7,447,928
2016	31,000	171,000	7,246,000	7,569,016
2017	25,000	139,000	6,509,000	7,678,728
2018	67,000	145,000	5,761,000	7,822,017
2019	35,000	139,000	5,576,000	7,904,093

For over five decades, armed conflict and violence involving government security forces and non-State armed actors, including paramilitary and guerrilla groups, have resulted in large-scale internal displacement in Colombia.[3] Borne out of political and socioeconomic marginalization, conflict and generalized violence among other factors, internal displacement initially affected rural communities, escalating over time to also affect people living in towns and cities. Drivers for internal displacement include competition and control over and dispossession of land and territory, including for illicit drug trafficking, persecution, threats, extortion and fears of recruitment, among other human rights violations. Despite signing a historic peace agreement with the Revolutionary Armed Forces of Colombia (FARC – the country's largest non-State actor) in 2016, demobilized areas have been slow to come under Government control. Meanwhile, other non-State armed groups have gained power and increased fighting, violence and confrontations have prompted further internal displacement. Each year between 2017 and 2019, around 140,000 new displacements associated with conflict and violence was recorded. So-called "confinement" has also created complex humanitarian situations, with civilian communities unable to or forcibly restricted from fleeing to safety.[4]

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[1] As with all the internally displaced person (IDP) data used in this study, the figures in the first three columns of this table, including the stock figures, are taken from the Internal Displacement Monitoring Centre (IDMC), Global Internal Displacement Database, which is available from https://www.internal-displacement.org/database (accessed June 2020). For more information on IDMC's calculations and methodology, see What's behind our data (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/colombia (accessed June 2020). "Since 2017, IDMC's figure discounts IDPs who have overcome their displacement-related vulnerability, drawing upon assessments carried out by the Colombian Government's Victims Unit (UARIV) which considers factors such as housing, education, documentation, and employment. Those who have only overcome housing-related vulnerability but continue to face challenges in other areas are accounted for separately, recognizing that their progress towards durable solutions does not yet constitute a complete end to displacement. As a result of this adopted approach, IDMC's estimates are lower than official government figures." "Stuck in the middle: seeking durable solutions in post-peace agreement Colombia" (IDMC, 2019). Available from https://www.internal-displacement.org/sites/default/files/publications/documents/201903-colombia-cross-border-report.pdf (accessed June 2020), p. 7. In contrast, the figures from the Colombian Government's Single Registry of Victims (*Registro Único de Víctimas*) (noted in the last column) include all people displaced since 1985.

[2] Information provided by the country's Victims Unit. On file with the author.

[3] For general background on Colombia and displacement see "Country information: Colombia" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/colombia (accessed June 2020). See also the range of reports available from this web page for further information.

[4] There are multiple ways in which people may be confined. For example, confinement may arise when armed actors impose restrictions on the freedom of movement of civilians as a strategy, a tool for control or a tactic of war, when armed actors, confrontations between armed actors, or landmines surround the locations where civilians live, or when armed actors use communities as shields for protection. Confinement can be a first step to subsequent displacement. Confinement may prevent populations from accessing livelihoods, health care, education and other essential services and resources, including food, for extended periods of time. Informant interview on file with the author. "Global Report on Internal Displacement 2020" (IDMC, 2020). Available from https://www.internal-displacement.org/global-report/grid2020/ (accessed July 2020), p. 56; "*Panorama de las*

Colombia is also vulnerable to natural hazards such as floods, landslides, storms, earthquakes and volcanic eruptions and records internal displacement associated with disasters. Risks stem from poverty, dense informal settlements in hazard-prone locations, and unsafe building construction in a context of unplanned urbanization. In 2018, an estimated 67,000 new displacements occurred in Colombia, mostly due to flooding.[5] In 2019, an estimated 35,000 new displaced occurred triggered by floods, landslides, wildfires and storms, including in the departments of Putumayo, Antioquia, Magdalena and Nariño.[6]

Colombia has been affected significantly by internal displacement, primarily due to conflict.[7] Most of Colombia's internally displaced persons (IDPs) have fled rural areas and are located in urban centres, including major cities, often in slums and informal settlements.[8] Intra-urban displacement also occurs. Many IDPs have experienced multiple displacements; while conflict is the main trigger of secondary displacements, disasters have also prompted secondary displacements.[9] Crisis conditions in the Bolivarian Republic of Venezuela have prompted the return of Colombian refugees, who find themselves unable to return to their places of origin and facing the drivers and triggers that lead to displacement throughout Colombia.[10]

At the end of 2019, according to the Colombia's Single Registry of Victims (*Registro Único de Víctimas*) there were 7,904,093 displaced victims of the armed conflict, whereas IDMC's data shows an estimated 5,576,000 people remained in internal displacement due to conflict or violence.[11] Many IDPs have lived in situations of internal displacement for years, even decades.[12] Among the reasons IDPs are in situations of limbo and unable to secure durable solutions include violence, conflict, insecurity, and crime, a lack of skills suited to urban markets (particularly for IDPs from rural areas), land tenure, land restitution, illegal status of settlements insufficient local government capacity; as yet limited integration of IDPs within State action, and limited resource allocation for durable solutions.[13] Research suggests "protracted displacement

necesidades humanitarias" (United Nations Office for the Coordination of Humanitarian Affairs [OCHA], 2020). Available from https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno_2020_colombia_esp.pdf (accessed August 2020).

[5] "Global Report on Internal Displacement 2019" (IDMC, 2019). Available from https://www.internal-displacement.org/global-report/grid2019/ (accessed June 2020), p. 39.

[6] Footnote 4 (IDMC, 2020), p. 56. IDMC notes that there is a gap in information on the number of people displaced by disasters in Colombia, as the National Disaster Management Agency only publishes data on the number of people affected and houses damaged and destroyed. For example, IDMC notes that heavy rains in Chocó department in February 2019, which caused six riverbanks to burst affected nearly 31,000 people, but it was not possible to determine the number of people who were displaced.

[7] Ibid. See more generally, "Exile within borders: a study of compliance with the international regime to protect internally displaced persons" (Gabriel Cardona-Fox, 2015). Available from https://repositories.lib.utexas.edu/bitstream/handle/2152/46559/CARDONA-FOX-DISSERTATION-2015.pdf?sequence=1 (accessed June 2020), p. 130.

[8] "Breaking the impasse: reducing protracted internal displacement as a collective outcome" (Walter Kälin and Hannah Entwisle Chapuisat, 2017). Available from https://www.unocha.org/sites/unocha/files/Breaking-the-impasse.pdf (accessed June 2020), pp. 92–96; footnote 7 (Gabriel Cardona-Fox, 2015), p. 129.

[9] See notes and publications available from "Country information: Colombia" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/colombia (accessed June 2020), including "Stuck in the middle: seeking durable solutions in post-peace agreement Colombia" (IDMC, 2019). Available from https://www.internal-displacement.org/sites/default/files/publications/documents/201903-colombia-cross-border-report.pdf (accessed June 2020). See also footnote 8 (Walter Kälin and Hannah Entwisle Chapuisat, 2017), pp. 92–96. Informant interview on file with the author. See also, "Colombia: A case study in the role of the affected State in humanitarian action" (Overseas Development Institute [ODI], 2008). Available from https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/3419.pdf (accessed June 2020), p. 11.

[10] See, for example, footnote 1 (IDMC, 2019).

[11] See footnote 1.

[12] See for example, footnote 8 (Walter Kälin and Hannah Entwisle Chapuisat, 2017).

[13] Ibid., pp. 92–96.

has left the vast majority of Colombian IDPs in poverty or extreme poverty, primarily in urban areas, with poverty levels two to three times higher than that of the general population."[14]

2. IDP-specific laws and policies

Colombia was one of the first countries in the world to acknowledge the phenomenon of internal displacement and to adopt a specific IDP law, which predates the 1998 Guiding Principles on Internal Displacement.[15] Since then, Colombia's legal and institutional framework has been enriched, including by judgments and orders from its Constitutional Court.[16] This section highlights several key developments, acknowledging that other pertinent laws, decrees and policies have been adopted, superseded or repealed.[17]

Law 387 on Internal Displacement of 1997

Given its adoption prior to the 1998 Guiding Principles on Internal Displacement, Colombia's Law 387 of 1997 (IDP Law) does not necessarily follow the same structure or cover the same breadth of content.[18] Nonetheless, it includes provisions on the prevention of forced displacement and on assistance, protection, return and socioeconomic consolidation and stabilization of IDPs in Colombia. The IDP Law articulates the rights of IDPs (including through a cross reference to other internationally recognized civil rights), sets out the obligations of the State, and establishes an institutional, operational and funding architecture to address internal displacement.

Definition of IDP

Notably, however, the law's provisions do not extend to cover persons internally displaced due to disasters.

> A displaced person is any person who has been forced to migrate within the national territory, abandoning his place of residence or customary economic activities, because his life, physical integrity, personal freedom or safety have been violated or are directly threatened as a result of any of the following situations: internal armed conflict, civil tension and disturbances, general violence, massive Human Rights violations, infringement of International Humanitarian Law, or other circumstances arising from the foregoing situations that drastically disturb or could drastically disturb the public order.[19]

Other provisions reinforce the focus on displacement due to conflict and violence.

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[14] Ibid., p. 93. See also footnote 7 (Gabriel Cardona-Fox, 2015), p.129, citing IDMC.

[15] Footnote 7 (Gabriel Cardona-Fox, 2015), pp. 113–114.

[16] *Protecting the Internally Displaced: Rhetoric and Reality* (Phil Orchard, 2019); footnote 7 (Gabriel Cardona-Fox), pp. 113–114; "Changing times: the international response to internal displacement in Colombia" (Elizabeth Ferris, 2014). Available from https://www.brookings.edu/wp-content/uploads/2016/06/Changing-Timesthe-Intl-Response-to-Internal-Displacement-in-Colombia-December-2014.pdf (accessed June 2020).

[17] How the extant legal and policy architecture operates in practice and interacts (including with the mechanisms discussed in the following sections) requires in-depth research that is beyond the scope of this case study.

[18] *Law 387 on Internal Displacement of 1997* (Diario Oficial [Official Gazette], 1997). Available from https://www.refworld.org/docid/5a255b374.html (accessed June 2020).

[19] Ibid., Article 1.

Constitutional Court Decision T-025 of December 2004

Seven years after the adoption of the 1997 IDP Law, Colombia's Constitutional Court issued Decision T-025/04, with far-reaching consequences for implementation.[20] The judgment was in response to over 100 *acciones de tutelas* ("a petition procedure which allows individuals to seek protection of fundamental human rights in the courts"),[21] in which IDPs claimed they were not receiving services or protection as guaranteed under the 1997 IDP Law.[22] The Court "noted that 'due to action or omission by the authorities in providing displaced population with optimum and effective protection, thousands of people suffer multiple and continuous violations of their human rights.'"[23]

> It came to this conclusion after noting the extreme vulnerability faced by IDPs, protracted and daily violations of their constitutional rights and the repeated failure of the authorities to protect their rights. The Court took into account that the displaced population included a high number of persons to whom the constitution affords special protection – elderly persons, female heads of household, pregnant women, children, members of indigenous and Afro-Colombian communities and persons with disabilities. The Court noted that the violations of their rights were not attributable to the actions or omissions of a single authority but were due to deep-seated structural failures.[24]

The Court "formally declared that the fundamental rights of the country's internally displaced persons were being disregarded in such a massive, protracted, and reiterated manner that an 'unconstitutional state of affairs' had arisen."[25] As stated by one of the three judges who issued the decision, a "declaration of an unconstitutional state of affairs is only done when problems are so entrenched that they require the intervention of several organs of the Colombian state for their resolution."[26] The State was summoned to address structural causes, including insufficient budgetary resources, lack of institutional capacity, bureaucratic barriers to access to services, low priority assigned by ministries and other entities to the issue, and opportunities for effective participation, as well as to provide regular updates on the measures taken to remedy the unconstitutional state of affairs.[27]

Following the decision, the Court issued many *autos* (orders) towards the implementation of the judgment, including to solicit more compressive reports and concrete actions and to establish indicators to evaluate progress on the effective enjoyment of rights.[28] In this respect, Colombia's

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[20] *Decision T-025 of 2004, adopted by the Third Review Chamber of the Constitutional Court, composed of Manuel José Cepeda Espinosa, Jaime Córdoba Triviño and Rodrigo Escobar Gil* (Colombia, Constitutional Court, 2004). Available from https://www.refworld.org/cases,COL_CC,4725aaa82.html (accessed June 2020). English translation available from https://www.brookings.edu/wp-content/uploads/2016/07/Colombia_T-025_2004.pdf.

[21] "How far may Colombia's Constitutional Court go to protect IDP rights?" (Manuel José Cepeda Espinoza, 2006). Available from https://www.fmreview.org/brookings/cepedaespinosa (accessed June 2020), pp. 21–23.

[22] "Judicial protection of internally displaced persons: the Colombian experience" (Rodolfo Arango Rivadeneira (ed.), 2009). Available from https://www.refworld.org/pdfid/4c624a842.pdf (accessed June 2020), p. 9; footnote 16 (Elizabeth Ferris, 2014).

[23] Footnote 21, p. 22, presumably citing the judgment as the reference is not provided.

[24] Ibid.

[25] Footnote 22 (Rodolfo Arango Rivadeneira (ed.), 2009), p. 9, citing the decision.

[26] Footnote 21, p. 22.

[27] "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin" A/HRC/4/38/Add.3 (United Nations Human Rights Council, 2007). Available from https://undocs.org/A/HRC/4/38/Add.3 (Accessed January 2021), paragraph 22. More generally, see footnote 22 (Rodolfo Arango Rivadeneira (ed.), 2009); footnote 21; footnote 16 (Elizabeth Ferris, 2014).

[28] Ibid.

Constitutional Court "has continued to be instrumental in pressing governmental institutions at national and local levels to comply with legislation aimed at protecting and assisting IDPs and in challenging governmental implementation of policy."[29] Decision T-025/04 and the "unconstitutional state of affairs" continue to remain in force.[30]

Incorporation of the Guiding Principles into the national system

In Decision T-025/04, the Constitutional Court referenced the 1998 Guiding Principles on Internal Displacement and used its principles as key interpretive criteria for establishing the scope of the rights of displaced persons, and for determining the scope of the State's obligations towards them.[31] This practice, based on the concept of the "constitutional block" is a doctrinal construction which provides that the "Colombian constitution includes not only the constitutional text, but also certain principles of international law."[32] Several articles of Colombia's 1991 Constitution, and in particular article 93, establish the relationship between international and domestic law.[33]

> Some provisions of international human rights treaties […] are […] part of the constitutional block in a "strict sense": they are morphed into constitutional provisions that themselves directly prevail over the entire domestic legal order. Article 93 also states that rights and duties found in the Constitution will be "interpreted in accordance with" international human rights treaties ratified by Colombia. Thus, all other norms in human rights treaties ratified by Colombia are part of the constitutional block in a "broad sense": they are not themselves constitutional provisions, but they must be used to interpret rights and duties already included in the constitutional text.[34]

The Constitutional Court's jurisprudence has been heavily influenced by the constitutional block concept. Under this doctrine, while the Constitution can include the text of relevant human rights treaties, the Court has also relied on other sources of international law and has held that customary norms of international humanitarian law and general principles of law are also part of the constitutional block.[35] As evident from Decision T-025 of 2004, the Constitutional Court has also relied on soft law, such as UN resolutions and guidelines, including the 1998 Guiding Principles on Internal Displacement as interpretive aids.[36] In fact, some suggest that the 1998 Guiding Principles on Internal Displacement have fulfilled each of the following functions in the domestic legal system: (i) acting as an aid in determining the content of the constitutional provisions on human rights; (ii) broadening the scope of rights expressly protected by the Constitution; (iii) incorporating new rights that are not expressly protected by the constitutional text; and (iv) establishing the scope of any admissible limitations.[37]

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[29] Footnote 16 (Elizabeth Ferris, 2014), p. 18.

[30] Remote key informant interviews conducted between May and June 2020 on file with the author.

[31] See footnote 20; footnote 21, p. 22; footnote 22 (Rodolfo Arango Rivadeneira (ed.), 2009).

[32] *Colombian Constitutional Law: Leading Cases* (Manuel José Cepeda Espinosa and David Landau, 2017), pp. 42–43. See more generally for further information. According to correspondence on file with the author, Decision T-327/01 incorporated the 1998 Guiding Principles on Internal Displacement to the Constitutional Block.

[33] Ibid. p. 43. See also footnote 22 (Rodolfo Arango Rivadeneira (ed.), 2009), pp. 176–177.

[34] Footnote 32, p. 43.

[35] Ibid.

[36] Ibid., p. 44; footnote 20.

[37] Footnote 22 (Rodolfo Arango Rivadeneira (ed.), 2009), p. 178. See also pp. 178–181 and pp. 182–191 for a review of earlier jurisprudence referencing the 1998 Guiding Principles on Internal Displacement, and a detailed discussion of Decision T-025 of 2004, respectively. This concept may be relevant for building jurisprudence on disaster displacement.

Law 1448 of 2011

The 1997 IDP Law and other legal and judicial mechanisms that framed conflict and violence related internal displacement as largely a humanitarian crisis was supplemented by a focus on transitional justice with the adoption of Law 1448 of 2011 (referred to as the Victims Law or the Victims and Land Restitution Law).[38] It establishes a set of individual and collective judicial, administrative, social and economic measures for the benefit of victims of violations of international humanitarian law and gross and flagrant violations of human rights in the context of armed conflict,[39] and regulates the provision of humanitarian assistance, care and reparations, including compensation and land restitution.[40] The Victims Law seeks to complement and harmonize various State efforts to guarantee the rights to truth, justice and reparations for victims, as well as measures for restitution, compensation, rehabilitation and the guarantee of non-repetition in order to pave the way for peace, truth and national reconciliation.[41] It contains rights-based language and references to international humanitarian and human rights standards.[42] While the Victims Law does not mention the 1998 Guiding Principles on Internal Displacement, the instrument was referenced in explanatory statements.[43]

Definitions of victim and victim of forced displacement

The application of the Victims Law is limited to "victims", who are defined in article 3 as people who individually or collectively suffered damage due to infringement of international humanitarian law or gross and flagrant violations of human rights, as a result of events since 1 January 1985, which occurred during the internal armed conflict. A "victim of forced displacement" is any person who has been forced to migrate within the national territory leaving their place of residence or usual economic activities, because his or her life, physical integrity, personal safety or freedom have been violated or are directly threatened on account of violations referred to in article 3.[44] Accordingly, displaced persons, as victims, benefit from the framework of humanitarian assistance, care and reparations articulated in the Victims Law. Article 13 further notes that a *differential approach* to humanitarian assistance, care, assistance and comprehensive reparation may be warranted towards groups with particular vulnerabilities, including victims of forced displacement. As apparent from the preceding discussion, the framework of humanitarian assistance, care and reparations articulated in the Victims Law does not apply to people displaced in the context of disasters.[45] However, victims of the armed

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[38] *Ley 1448 de 2011 por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones* (Diario Oficial [Official Gazette], 2011). Available from http://wp.presidencia.gov.co/sitios/normativa/leyes/Documents/Juridica/LEY%201448%20DE%202011.pdf (accessed August 2020). Many other instruments complement the Victims Law. For example, in 2011, several complementary decrees were adopted to regulate assistance, care, reparations and restitution as they relate to ethnic minorities, including indigenous communities and groups (Decree 4633 of 2011), Roma or gypsies (Decree 4634 of 2011) and black, Afro-Colombian and Raizal communities (Decree 4635 of 2011).

[39] Ibid., article 1.

[40] Ibid., article 2. See also the discussion of care, assistance and redress for Afro-Colombians.

[41] Ibid., articles 11 and 12.

[42] Ibid., articles 175 and 176. The Law requires the adoption of a National Plan for the Comprehensive Care and Reparations of Victims.

[43] *Gaceta del Congreso: 692 de 2010* (Colombia, 2010), p. 24. On file with the author.

[44] Footnote 38, article 60, paragraph 2. Gender neutral language has been inserted.

[45] In article 97, there is one reference to natural disasters in the context of compensation in-kind and relocation for stripped real estate property in cases where material restitution of the property is not possible due to its location in an area of high risk or threat of flooding, collapse or "natural" disaster.

conflict, who may also be affected or displaced by disaster either before or following victimhood under the Victims Law, are not precluded from its benefits.

Humanitarian assistance to victims of forced displacement

Chapter III of title III on humanitarian aid, care and assistance governs humanitarian assistance for victims of forced displacement.[46] In article 60, the Victims Law provides that assistance to victims of forced displacement shall be governed by chapter III and complemented by the 1997 IDP Law and other rules and regulations. Provisions that are aimed at achieving the effective enjoyment of the rights of populations in a situation of displacement and which do not contravene the Victims Law will continue in force. The Constitutional Court has issued decisions and orders clarifying the interactions and complementarity between the two laws (see discussion below).

Under article 61, a victim is required to give a declaration within two years following the occurrence of the event that gave rise to displacement provided the event occurred after 1 January 1985 and the person was not registered in the Single Registry of Displaced Persons (*Registro Único de Población Desplazada*). A force majeure event (such as a disaster) may reset this time frame. The Law provides for three phases of "humanitarian" assistance for victims of forced displacement: (i) immediate assistance (such as temporary shelter and food);[47] (ii) emergency humanitarian assistance (such as minimum subsistence);[48] and (iii) transitional humanitarian assistance (such as accommodation and employment).[49] A qualitative assessment of vulnerability influences the duration of each of these phases and the content of the assistance.[50]

Durable Solutions

Article 66 addresses the voluntary return or relocation of victims of forced displacement, while article 67 addresses the "cessation of the condition of vulnerability and weakness" caused by displacement, benchmarked against the "effective enjoyment of rights".[51] Even when the conditions of vulnerability and weakness is regarded as having ended, a registered victim of forced displacement will maintain their status as a "victim" and have the capacity to retain additional rights resulting from such a situation. This is one example of why the Single Registry of Victims captures the cumulative total of victims.

Reparations and land

Title IV of the Law concerns reparations for victims, which include five possible measures: rehabilitation, compensation, satisfaction, restitution and the guarantee of non-repetition. Article 73 of chapter III on the principles of restitution discusses the sustainable, secure and dignified return or relocation of victims, as well as the prevention of forced displacement, protection of life and integrity, and legal and physical protection of property and possessions. It

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[46] Ibid., article 47, paragraph 4.
[47] Ibid., articles 62 and 63.
[48] Ibid., articles 62 and 64.
[49] Ibid., articles 62 and 65.
[50] Ibid., article 62.
[51] The Government is responsible for establishing the relevant criteria, including based on the judgments issued by the Constitutional Court. See also article 68 on assessing the cessation of the condition of vulnerability and manifest weakness.

is important to note, however, that restitution does not oblige a victim to return to their place of origin. Article 74 addresses the dispossession and forced abandonment of land and takes into account forced displacement.[52] Chapter IV addresses restitution measures related to housing and explains the programmes that are accessible to victims of forced displacement.

Reference to disaster

Article 97, which relates to the land restitution process, contains the only reference to "natural" disasters. It provides for compensation in-kind and relocation for stripped real estate property in cases where material restitution of the property is not possible due to its location in a high-risk area or an area threatened by floods, land collapse or other "natural" disasters. The *right* to compensation is linked solely to victimhood, and the state of the property at the moment of the restitution.

Constitutional Court Order 119 of June 2013 and Decision 280 of May 2013

Following the adoption of the Victims Law, the Constitutional Court has continued to issue *autos* (orders) including Order 119 of June 2013.[53] It concerns populations displaced by generalized violence and other actions perpetrated by criminal and other groups who are not recognized as armed actors within the framework of the Victims Law. The Constitutional Court's order discusses the interplay between the 1997 IDP Law and the Victims Law and the differences in rights and entitlements for displaced persons under the former law and victims under the latter law. The order provides that populations displaced by generalized violence, including at the hands of groups that may not be regarded as armed actors for the purposes of the Victims Law, should nonetheless be included in the Single Registry of Victims.[54] Populations displaced by generalized violence are entitled to assistance, care and protection, but not to truth, justice and reconciliation, which is available to victims of the armed conflict, unless the actions causing displacement occur in the context of the armed conflict and is sufficiently linked to it.[55]

Decision C-280/13 of May 2013 (reaffirming Decision C-781/12) confirms the continuing validity of the 1997 IDP Law (notwithstanding the Victims Law) and the assistance and protection that must be afforded under the 1997 IDP Law to persons who satisfy the broader definition of a displaced person under it.[56] Notably, the decision indicates that this may include persons who have been affected by "natural disasters" generated by conflict actors. The decision explains that the Victims Law does not prevent the continued protection of displaced persons as contemplated in the 1997 IDP Law especially in the context of generalized violence and/or natural disasters "generated" by conflict actors.

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[52] See also articles 75, 77, 82, 91, 121 and 132.

[53] *Auto 119 de 2013* (Colombia, Constitutional Court, 2013). Available from https://www.refworld.org/cases,COL_CC,546f328b4.html (accessed July 2020).

[54] Ibid. See also "The displaced as victims of organized crime: Mexico and Colombia compared" (Nicolás Rodríguez Serna and Jean-François Durieux, 2016).

[55] Ibid.

[56] *Sentencia C-280/13* (Colombia, Constitutional Court, 2013). Available from https://www.refworld.org/cases,COL_CC,5b6d82cb4.html (accessed August 2020).

3. Non-IDP-specific laws and policies

3.1. Disaster risk reduction and disaster risk management

Law 1523 of 2012

Colombia has developed various laws, decrees and regulations to address disasters and its approach has evolved to include preparedness, risk management in addition to emergency response. Disasters and major events in the 1980s prompted Colombia to streamline its structures for the coordination and management of disaster risk reduction (DRR) and response.[57] The present framework builds on earlier developments and is underpinned by Law 1523 of 2012 (Disaster Risk Management (DRM) Law), which adopts a National Disaster Risk Management Policy and establishes a National Disaster Risk Management System (*Sistema Nacional de Gestión del Riesgo de Desastres* – SNGRD).[58] This framework guides national and subnational stakeholders in the implementation of an integrated approach to DRM spanning risk identification, recovery and rehabilitation.[59] Article 2 indicates that risk management is the responsibility of all authorities and inhabitants of Colombia and integrates public, private and community entities in the development and implementation of actions under the SNGRD. Article 3 sets out general principles that guide risk management and includes protection and rights-sensitive language. Other overarching principles relate to sectoral and territorial integration, coordination, environmental sustainability, concurrence and subsidiarity. The Law does not mention IDPs or displacement but references other forms of human mobility, including relocation and resettlement.

The general objective of the SNGRD is to carry out the social process of risk management, offering protection to Colombia's population, improving security, welfare and quality of life, and contributing to sustainable development.[60] Its main components relate to an organizational structure, planning instruments, information systems and financing mechanisms.[61] Chapter III of the DRM Law addresses planning instruments, the primary one being the National Disaster Risk Management Plan (*Plan Nacional de Gestión del Riesgo de Desastres* – PNGRD). The PNGRD defines the objectives, programmes, actions, responsible persons and budgets, through which the processes of risk knowledge, risk reduction and disaster management are executed, within the framework of national development planning.[62] A National Strategy for Emergency

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[57] For more background information, see, for example, "Analysis of disaster risk management in Colombia: a contribution to the creation of public policies" (Ana Campos Garcia *et al.,* 2011). Available from https://documents.worldbank.org/en/publication/documents-reports/documentdetail/658361468018050201/main-report (accessed August 2020); "Chapter 3: Colombia's strategic framework for disaster risk governance" (OECD, n.d.). Available from https://www.oecd-ilibrary.org/sites/ac20a9c8-en/index.html?itemId=/content/component/ac20a9c8-en (accessed August 2020).

[58] *Ley 1523 de 2012 por la cual se adopta la política nacional de gestión del riesgo de desastres y se establece el Sistema Nacional De Gestión Del Riesgo de Desastres y se dictan otras disposiciones* (Colombia, 2012). Available from https://repositorio.gestiondelriesgo.gov.co/handle/20.500.11762/20575 (accessed August 2020).

[59] See footnote 57 (OECD, n.d.).

[60] Footnote 58, article 6(1).

[61] Ibid., article 7.

[62] Ibid., article 33. The applicable PNGRD covers the period from 2015 to 2025, sets out goals, activities and responsibilities throughout the DRM process, and comprises a road map for actors within the SNGRD. It contains a general component setting out the strategic framework for risk management and a programmatic component. The PNGRD contains references to the resettlement of populations and settlement of houses in at-risk areas, and includes objectives and goals to this end. It also identifies objectives and goals related to evacuation, particularly for persons with disabilities. See, for example, "*Plan Nacional de Gestión de Riesgo de Desastres*" (Colombia, Disaster Risk Management Unit, n.d.). Available from http://portal.gestiondelriesgo.gov.co/Documents/PNGRD-2015-2025-Version-Preliminar.pdf.

Response is envisaged as the overall action framework for emergency response and care.[63] These documents are to be developed with input from technical and territorial committees. Departmental, district and municipal authorities have responsibilities for preparing their respective disaster management plans and response strategies in line with the national documents.[64]

It is in this context that references are made to relocation and resettlement. In a provision on incorporating risk management into planning, the DRM Law notes the need to include mechanisms for the relocation of settlements, including efforts to avoid high-risk resettlement and make relocation of high-risk populations possible.[65] Together with a reference to conflict resolution, the relocation of settlements is also mentioned in a provision that deals with the regulatory regime in situations of disaster and public calamity.[66] Article 81 also references the relocation of human settlements in connection with urban development projects, including housing construction in the context of disasters. Evacuation, however, is not mentioned in the DRM Law.[67]

Within chapter VI, which concerns the declaration of disaster, public calamity and normality, article 56 establishes criteria to classify disasters according to different levels (national, regional, departmental, district or municipal), and to effect relevant rules for the disaster regime, while articles 57 and 59 address the declaration of a public calamity. A "public calamity" is defined as the result of one or several unintentional natural or anthropogenic events, which requires a response at the municipal, district or departmental levels.[68] A "disaster" is defined largely in the same manner, but also includes a response at the State and SNGRD levels.[69] Conflict and violence do not appear to be covered under this framework.[70] In this respect, however, the definition of "vulnerability" is notable as it is framed by a recognition of the physical, economic, social, environmental or institutional susceptibility or fragility of a community to be affected or to suffer adverse effects should a hazardous physical event occur.[71] This definition provides scope to consider vulnerability resulting from exposure and experiences of conflict and violence.

3.2. Climate change adaptation

Law 1931 of 2018

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[63] Footnote 58, articles 35 and 36.

[64] Ibid., article 37. See also planning articles 38–42.

[65] Ibid., article 40.

[66] Ibid., article 65. It notes that the rules that determine the regime applicable in such situations will also deal with, inter alia, relocation of settlements; conflict resolution; incentives for rehabilitation, reconstruction and sustainable development; administration and allocation of donations and other measure to ensure return to normalcy.

[67] Evacuation and relocation are addressed in *Decreto 4850 de 2010 por el cual se declara el estado de emergencia económica, social y ecológica por razón de grave calamidad pública* (Colombia, Disaster Risk Management Unit, 2012). Available from https://repositorio.gestiondelriesgo.gov.co/bitstream/handle/20.500.11762/20035/Normatividad_del_Sistema_Nacional_de_Gesti %C3%B3n_del_Riesgo_de_Desastres-.pdf?sequence=1&isAllowed=y (accessed August 2020).

[68] Footnote 58, articles 4(5), 57 and 58.

[69] Ibid., articles 4(8), 55 and 56.

[70] An "emergency" is defined as a situation characterized by the intense and serious alteration or interruption of a community's normal conditions of functioning or operation, caused by an adverse event or by the imminence of such an event, which obliges an immediate reaction and requires the response of States institutions, the media and the community in general (article 4(9)). While this is broad, there are no references to conflict throughout the Law aside from the reference to conflict resolution.

[71] See article 4(27). See also further elaboration of the definition.

Law 1931 of 2018 established guidelines for the management of climate change, including actions related to climate change adaptation.[72] Article 4 introduces the National Climate Change System (*Sistema Nacional de Cambio Climático* – SISCLIMA) and its scope, while title III sets out tools for managing climate change, which includes Colombia's Intended Nationally Determined Contribution (INDC) and National Climate Change Policy (*Política Nacional de Cambio Climático* – PNCC) (discussed below). The Law does not reference IDPs, displacement or other forms of human mobility, nor does it reference conflict or violence. However, it does recognize the links between DRR and the management of climate change, and cross references Law 1523 of 2012 and the relationship with the SNGRD.[73]

National Climate Change Policy (2017)

The National Climate Change Policy was developed in 2017.[74] Law 1931 of 2018 states that the policy aims to incorporate climate change management into public and private decisions.[75] Although the policy does not specifically mention IDPs, it does contain three generic references to displacement, two of which discuss the impacts of extreme weather events on settlements and displacement, with the third addressing the impact of population displacement on growth.[76] The few references to conflict relate to those that occur over access to and use of resources, including land, or the post-conflict framework.

National Adaptation Plan (2016) and Intended Nationally Determined Contribution (2015)

In 2018, Colombia submitted its 2016 National Adaptation Plan (NAP),[77] which defines the terms displacement, migrants and human mobility in its glossary. Despite the inclusion of these terms, there are not many notable references to these themes. One reference discusses the need to include relocation solutions within spatial planning in the context of addressing human mobility in regional and local development plans, while another notes the reduction of traditional displacements by waterways. A further reference highlights the need for greater technical and technological capacity to develop climate models to project the effects of climate change on population migration and community settlement patterns, for example. Pertinent references to conflict relate to conflicts over resources. Colombia has not submitted a National Adaptation Programme of Action (NAPA). Colombia's INDC, submitted in September 2015, does not contain any references to IDPs or displacement, but does contain two references to conflict scenarios.[78]

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[72] *Ley 1931 de 2018 por la cual se establecen directrices para la gestión del cambio climático* (Colombia, Administrative Department of Public Service, 2018). Available from https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=87765 (accessed August 2020), article 1.

[73] Ibid., articles 24 and 25.

[74] "*Política Nacional de Cambio Climático*" (Colombia, Ministry of Environment, 2017). Available from http://www.minambiente.gov.co/images/cambioclimatico/pdf/Politica_Nacional_de_Cambio_Climatico_-_PNCC_/PNCC_Politicas_Publicas_LIBRO_Final_Web_01.pdf (accessed August 2020).

[75] Footnote 72, article 16.

[76] There are also some other references to impacts on human settlements, but not necessarily to relocation or resettlement. There are also several generic references to mobility.

[77] "National Adaptation Plans: NAPs from developing countries" (United Nations Framework Convention on Climate Change [UNFCCC] NAP Central, n.d.). Available from https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx (accessed August 2020) (see the third document in the compilation of Colombia's NAPs).

[78] "INDCs as communicated by Parties" (UNFCCC, n.d.). Available from https://www4.unfccc.int/sites/submissions/INDC/Submission%20Pages/submissions.aspx (accessed August 2020). The INDC contains one reference to migration in a section that recognizes the economic, social and environmental challenges associated with peacebuilding. The reference notes that peace processes elsewhere in the world have been seen as negatively impacting the environment, due to, for example, migration patterns that increase pressure on natural resources in vulnerable areas, and that such potential impacts have been taken into account in post-conflict scenarios in different regions.

3.3. Development

National Development Plan 2018–2022: Pact for Colombia, Pact for Equity

Colombia's National Development Plan (NDP) 2018–2022: Pact for Colombia, Pact for Equity is extensive (1,400 pages) and only available in Spanish.[79] Although the document clearly references displaced victims, disasters and conflict, it has not been possible to analyse these references to determine their scope and nature, or to understand the extent to which human mobility is addressed. Given the legal, policy and operational separation between responses to conflict-related displacement and disaster-related displacement, it may be particularly important to ensure that development frameworks capture and integrate displacement dynamics and solutions related to all triggers.

4. Institutional structures and coordination architecture

4.1. IDP-specific laws and policies

Law 1448 of 2011

The Victims Law changed the institutional landscape for responding to victims of Colombia's internal conflict.[80] Title V addresses the institutional framework for providing assistance and reparations to victims. Chapter III of title V creates a National System of Comprehensive Care and Reparations for Victims (*Sistema Nacional de Atención y Reparación Integral a las Víctimas* – SNARIV), which is responsible for formulating, coordinating and executing plans, programmes, projects and specific actions related to providing comprehensive assistance and reparations to victims covered under the Law.[81] The SNARIV is made up of a range of ministries and other institutions, including the National Planning Department, but not the National Disaster Risk Management Unit (both discussed below).[82]

The SNARIV has two key bodies at the national level: the Executive Committee for Care and Reparation of Victims (*Comité Ejecutivo para la Atención y Reparación a las Víctimas*), which is the system's lead decision-making body responsible for designing and adopting public policies on care, assistance and reparations for victims;[83] and the Special Administrative Unit for the Care and Comprehensive Reparation of Victims, also known as the Victims Unit (*Unidad Administrativa Especial para la Atención y Reparación Integral a las Víctimas*), which coordinates the implementation of the public policy.[84] The Victims Unit, which acts as the Technical Secretariat of the Executive Committee,[85] is attached to the Administrative Department of the President of Colombia and is required to carry out its functions in a decentralized manner.[86] Colombia has a wide range of other relevant institutions, agencies, territorial entities and committees that are also involved in providing assistance, protection and reparations to victims, whose responsibilities are linked to mandates and functions assigned under the Victims Law.

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[79] "*Bases del Plan Nacional de Desarrollo 2018–2022: Pacto por Colombia Pacto Por la Equidad*" (Colombia, National Department of Planning, 2019). Available from https://colaboracion.dnp.gov.co/CDT/Prensa/BasesPND2018-2022n.pdf (accessed August 2020).
[80] For a discussion of the previous institutional architecture see for footnote 18 and footnote 16 (Elizabeth Ferris, 2014), p. 20.
[81] Footnote 38, articles 159 and 161.
[82] Ibid., article 160.
[83] Ibid., articles 162 and 165.
[84] Ibid., article 162.
[85] Ibid., article 164.
[86] Ibid., articles 166 and 169.

Under chapter II of title V, the Victims Unit is responsible for the operation of Colombia's Single Registry of Victims.[87] Under the Law, the former Single Registry of Displaced Persons was integrated into the Single Registry of Victims to form one register.[88] Victims, including victims of forced displacement, are required to register with the Single Registry of Victims within a certain time limit, although a force majeure event may reset this time frame.[89] A victim's declaration requesting inclusion in the Single Registry of Victims has to be presented to three designated independent institutions (and not the Victims Unit), although the Victims Unit is responsible for making decisions and including victims in the registry.

4.2. Non-IDP-specific laws and policies

Law 1523 of 2012

The National Disaster Risk Management Unit, or simply the Risk Management Unit (*Unidad Nacional para la Gestión del Riesgo de Desastres*), was established in 2011 and is the lead agency for DRM.[90] It coordinates and implements the entire SNGRD, including legal, policy and strategic development; technical assistance, support and monitoring; and oversight of mainstreaming DRM into development policies.[91] The President of Colombia heads the SNGRD and is responsible for appointing a public functionary as director of the Risk Management Unit.[92]

The National Council for Risk Management (*Consejo Nacional para la Gestión del Riesgo*) sits under the President and is the highest body responsible for guiding the SNGRD. The Council comprises the President, various ministers, the Director of the National Planning Department, and the Director of the Risk Management Unit, which also serves as the Council's Secretariat. When convened, the heads of the Colombian Civil Defence and the Colombian Red Cross and a representative of the national fire brigade sit on the Council.[93] Its responsibilities include guiding and approving risk management policies, strategies and plans; guiding, monitoring and evaluating their implementation; and advising the President on the declaration of a state of emergency due to a serious public calamity in accordance with article 215 of the National Constitution.[94]

Three inter-institutional national committees (on risk awareness, risk reduction and disaster management) sit under the Risk Management Unit and are entrusted with advisory and planning functions, among others.[95] The head of the Risk Management Unit chairs the committees, with the Risk Management Unit serving as their Secretariat. Various agencies are represented in the committees, including the National Planning Department (all), the Colombian Security Council (risk reduction) and the army, navy, air force, police and civil defence (disaster

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[87] Ibid., article 154.
[88] Ibid.
[89] Ibid., articles 155 and 156.
[90] Footnote 58, article 18; footnote 57 (OECD, n.d.); "*Sistema Nacional de Gestión del Riesgo de Desastres*" (Colombia, Disaster Risk Management Unit, n.d.). Available from http://portal.gestiondelriesgo.gov.co/Paginas/Estructura.aspx (accessed August 2020).
[91] Ibid.
[92] Footnote 58, article 10.
[93] Ibid., article 16. Other public and private entities can also be invited to participate.
[94] Ibid., article 17. See also footnote 57 (OECD, n.d.), which outlines the leadership roles of the Risk Management Unit and identifies policy evaluation as the one area the unit does not cover (policy evaluation instead falls under the remit of the National Department of Planning).
[95] Ibid., article 19.

management).[96] The committees have the power to create permanent or temporary technical advisory committees.[97]

Other relevant governing bodies of the SNGRD are the governors and district or municipal mayors, responsible for planning, coordination and implementation of disaster risk awareness, reduction and management within their respective territorial jurisdictions.[98] The DRM Law also creates Disaster Management Councils as territorial coordination, advisory and planning bodies at the departmental, district and municipal levels. These councils are led by the local governor or mayor (as applicable) and comprise the Director of the Risk Management Unit and representatives of public services, the Colombian civil defence, the Colombian Red Cross and the regional autonomous and sustainable development corporations.[99] As noted, the Risk Management Unit is responsible for preparing the PNGRD and the National Strategy for Emergency Response with inputs from the committees and territorial councils.[100] Finally, chapter V of the DRM Law discusses the financing mechanism for DRM.[101]

Law 1931 of 2018

Under Law 1931 of 2018, coordination of the SISCLIMA, including implementation of the National Climate Change Policy at the national level, is entrusted to the Intersectoral Commission on Climate Change (*Comisión Intersectorial de Cambio Climático* – CICC).[102] The Risk Management Unit is part of the CICC.[103] Article 5 creates the National Council on Climate Change (*Consejo Nacional de Cambio Climático*), a permanent consultative body of the CICC, which serves an advisory function. The Council is responsible for making recommendations on climate change management, including the coordination of relevant activities and issuing concepts on the implementation of the National Climate Change Policy. Articles 6 and 7 set out the responsibilities of various actors, including ministries, departments, municipalities and districts.

National Adaptation Plan (2016) and Intended Nationally Determined Contribution (2015)

The Ministry of Environment and Sustainable Development is the key institution responsible for reporting under the United Nations Framework Convention on Climate Change (UNFCCC) process.[104] The Ministry and the National Planning Department were key actors in the development of the NAP, in which the Risk Management Unit, *inter alia*, were also involved.

5. Insights on practice

The following discussion reflects insights and *perceptions* based on practice. These were gathered through remote interviews with 19 informants. Where specific documents are discussed, they are referenced in footnotes.

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[96] Ibid., articles 20–25.
[97] Ibid., article 26.
[98] Ibid., articles 12, 13 and 14.
[99] Ibid., articles 27–31.
[100] The Risk Management Unit is also responsible for monitoring and evaluating the PNGRD.
[101] Article 47.
[102] Footnote 72, articles 4 and 16.
[103] Ibid., article 4.
[104] Ibid., articles 15 and 17.

5.1. Practice insights on conflict, disaster and displacement dynamics

Concept of a "displaced person" focused on conflict and violence

In Colombia, the concepts of displaced persons and internal displacement are associated with conflict and violence. This association stems in part from the legal and institutional frameworks created to support people displaced in the context of armed conflict and violence, including the IDP Law and the Victims Law. As noted, the Victims Unit collects data on victims of displacement and other situations, which it records in a Single Registry of Victims. This database does not identify victims who have also been affected by disasters.

Data collected on persons "affected" by disasters

Colombia does not have a national registry that records data on people who are displaced in the context of disasters. In fact, the displacement descriptor is not commonly used in situations of disaster, with authorities and other actors generally using the term "affected" populations. This umbrella term includes people who are displaced in the context of disasters. The Risk Management Unit maintains a database of populations affected by disasters.[105] When disaster situations are reported, displacement tends not to be mentioned. Local authorities may publish information on affected populations and the number of houses that are destroyed. When evacuations occur, ad hoc data on displacement are collected. Generally, however, and especially in the absence of evacuation operations, relatively small-scale displacement is difficult to identify.[106]

Accordingly, knowledge gaps exist in terms of patterns, needs and long-term consequences related to displacement in the context of disasters. Disaggregating the data collected by the Risk Management Unit on affected populations to identify the subset of people who have been internally displaced in the context of disasters may support more harmonized and comprehensive approaches to assistance and protection, particularly as conflicts and disasters can affect the same populations. Such data could support better policy and decision-making, including by identifying populations who are "doubly vulnerable" or "doubly affected" and by informing policy and programmatic discussions related to relocation and settlement efforts.[107]

Characteristics and multiple displacements in the context of conflict and disaster

Displacement is a constant phenomenon for some people, with many people becoming displaced multiple times. Populations displaced by conflict or violence may return to origin areas only to be displaced again by similar triggers. Other populations are forced to flee areas of refuge due to insecurity, conflict and violence. Those who face targeted threats may not be able to remain for long periods at any location. Displacement into poorer areas with limited government presence, where confrontations are ongoing, or in which armed actors vie for control can create untenable, transitory living conditions, which make subsequent flight inevitable.

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[105] See *Registro Único de Damnificados* (Colombia, Disaster Risk Management Unit, n.d.). Available from http://portal.gestiondelriesgo.gov.co/Paginas/Registro0112-689.aspx (accessed September 2020). See also footnote 4 (IDMC, 2020).
[106] Ibid.
[107] Informant interview on file with the author. Please note that this term "double affectation" is also used to refer to refugees and migrants from the Bolivarian Republic of Venezuela who are also victims of armed conflict in Colombia.

Disasters also affect and displace victims previously displaced by conflict and violence. Floods, storms, landslides and other hazards occur in conflict-affected areas, while some hazards are cyclical and recur in the same areas. For example, in 2019, the departments of Chocó and Nariño experienced new displacement associated with conflict and disaster.[108] In 2017, a landslide in Mocoa, the capital city of Putumayo department, which left more than 300 people dead, injured or missing, affected previously displaced victims as well as indigenous groups.[109]

Internal displacement associated with conflict and violence has influenced rapid and unplanned urbanization, including into hazard-prone areas, which has affected disaster risk in Colombia. Displaced victims have sought refuge or built homes in areas vulnerable to hazards, including in areas affected by landslides and volcanoes, due in part to limited awareness of hazard risks. Challenges in accessing and owning land drive many of these displacements. Displaced populations are unable to choose where they rebuild and instead are forced to settle in locations where land is available, which includes hazard-prone locations and areas suffering from environmental degradation. A so-called "legalization" process for informal settlements involves studies being carried out to determine hazard and disaster risks, as well as mitigation measures, in order to establish whether a settlement can be approved for legalization.[110]

Vulnerabilities and double affectation

The term "double affectation" has been used to refer to people affected (and/or displaced) by both conflict and disaster,[111] even though it is not necessarily mentioned in the relevant laws.[112] According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), in April 2019, 878 municipalities in 33 departments of Colombia had people in need due to conflict (close to 3 million) and due to "natural disaster" (more than 2 million).[113] While all of these people may not necessarily be displaced, the breadth of municipalities hosting populations affected by both triggers highlights their significant overlap and the scale of potential double affectation. In addition, according to the 2020 Humanitarian Needs Overview, in 2019, the Risk Management Unit registered more than 299,000 people affected by "natural disaster". Seven departments (Chocó, Nariño, Bolívar, Córdoba, Cauca, Antioquia and Putumayo) account for 64 per cent of those affected, six of which are also highly affected by conflict and are therefore

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[108] Footnote 4 (IDMC, 2020), p. 56.

[109] "*'Doble afectación'*: living with disasters and conflict in Colombia" (Ayesha Siddiqi, Katie Peters and Julia Zulver, 2019). Available from https://www.odi.org/publications/11414-doble-afectacion-living-disasters-and-conflict-colombia (accessed August 2020).

[110] In general terms, so-called "legalization" is a process by which a municipality includes a "settlement" in the urban perimeter, thereby "regularizing" it and permitting the extension of public services and investments to the relevant area. The process allows the people in the newly constituted urban "neighbourhood" to access public services, including housing. Correspondence with informant on file with the author. For more information, see, for example, *Urban Law in Colombia: Urban Legal Case Studies Volume 5* (Juan Felipe Pinilla and Juan Fracisco Rodriguez Vitta, 2018). Available from https://unhabitat.org/sites/default/files/download-manager-files/Urban%20legislation-Colombia11.pdf (accessed September 2020), p. 134. See also Decree 1077 de 2015 and relevant *autos* from the Constitutional Court*.* UNHCR Colombia has been working on legalization for urban settlements, initially focused on IDPs and host communities, and more recently also including refugees and returnees. For more on UNHCR's activities, please see https://opcionlegal.org/tierras/legalizacion-y-titulacion-de-asentamientos-humanos.

[111] Informant interview on file with the author.

[112] The notion of "double affectation" may however be mentioned in the Victims Law as it relates to a person suffering multiple victimization factors. Also, as noted earlier, the term "double affectation" is also used to refer to refugees and migrants from the Bolivarian Republic of Venezuela who are also victims of armed conflict in Colombia.

[113] "*Doble afectación: conflicto armado y desastres naturales*" (OCHA, 2019). Available from https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/190509_infografia_doble_y_triple_afectacion_vf.pdf (accessed August 2020).

doubly affected.[114] This recognition and acceptance is an important development. It has the potential to create greater impetus to examine, harmonize and better coordinate responses under applicable legal and institutional frameworks, thus minimizing duplication while maintaining separate legal and institutional arrangements.

Venezuelan influx and triple affectation

In border areas affected by movements of Venezuelans, issues of so-called "triple affectation" have also surfaced.[115] This phrase was used to refer to Venezuelans (as non-citizens) who have been affected by conflict and disaster or who belonged to mixed families affected by conflict and disaster.[116] In April 2019, 647 municipalities in 31 departments in Colombia had people in need due to conflict, "natural disaster" and the arrival of refugees and migrants from the Bolivarian Republic of Venezuela.[117] Questions on how to support such populations under existing frameworks given their limitations have become more prominent (see discussion below).

Visibility, public interest and response

Informants suggested that the visibility of an emergency influences the efficacy of responses. In general and at a macro level, displacement associated with conflict and violence is visible for various reasons, including its political salience, scale, the institutional and legal architecture developed to support victims, the decisions of the Constitutional Court, and civil society interest, advocacy and monitoring. However, this does not mean all *incidents* of conflict-associated displacement are visible and adequately addressed. On the contrary, pre-emptive and post-displacement responses are sometimes found to be lacking, even in the context of preventive alerts and early warnings. As noted elsewhere however, this may also be as a consequence of local budgetary and other capacities.

When displacement is relatively smaller in scale or occurs in rural, underdeveloped and abandoned areas, a lack of visibility may also mean less interest from the public and other stakeholders, despite obligations to attend to such situations. Larger-scale disasters and conflict-associated displacement generally mobilizes more public interest. In the context of disasters in particular, social media and communication media at the national level mediates public interest, which can influence the effectiveness of engagement and emergency responses. Similar media engagement is less prominent in conflict-related emergencies and their associated displacement. To some extent, there is also a "normalization of the displaced population affected by conflict."[118] In these contexts the pressure on local authorities to respond also varies and will also be subject to budgetary capacity. Visibility also wanes following the aftermath of the emergency, which may also influence longer-term responses.

Access constraints in the context of ongoing violence and confrontations

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[114] Footnote 4 (OCHA, 2020), pp. 19–20.
[115] Informant interview on file with the author.
[116] Informant interview on file with the author.
[117] "*Triple afectación: conflicto armado, desastres naturales y refugiados y migrantes*" (OCHA, 2019). Available from https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/190509_infografia_doble_y_triple_afectacion_vf.pdf (accessed August 2020).
[118] Informant interview on file with the author.

It is challenging to assist and protect people in situations of ongoing insecurity and violence. Barriers to access and the provision of humanitarian assistance include the absence or limited presence of government authorities, ongoing confrontations (including in areas where government actors have limited capacity) and territorial control, and the permanent presence of non-State armed elements. In this regard, a lot of displacement also occurs in abandoned and underdeveloped areas, including in territories where ethnic communities and populations live, thus affecting the cultural practices and rights of indigenous groups and Afro-Colombians.

Similarities and differences related to each context

People who flee in the context of disaster or conflicts and violence often have similar and basic needs. The urgency with which they flee to safeguard their security, leaving behind possessions and livelihoods, may also be similar. However, the impacts of conflict and disaster also vary. Some informants noted conflict situations generate a broader range of protection concerns than disaster situations. When flight is associated with conflict, prospects for return are affected by trauma, contamination risks, recruitment and changes in security conditions, while in disaster situations, reconstruction timelines and assessment of hazard risks are key considerations.

5.2. Practice insights on law and policy

Different legal frameworks and entitlements

Other research has documented the development and evolution of the architecture to support populations affected by emergencies in Colombia, including the divergence in current normative and institutional frameworks.[119] As described in previous sections, Colombia has separate national systems, frameworks and institutional structures to support people displaced by conflict and violence and people affected by disaster. Each system establishes high-level decision-making bodies and national institutions with implementation and coordination responsibilities. Departmental, district and municipal governors and mayors also have responsibilities, including in relation to planning and coordination. Each system has different capacities, budgets, infrastructures and early warning mechanisms, and is charged with undertaking a comprehensive response. The principles of complementarity and subsidiarity are relevant to each system.

Informants noted the holistic, rights-based architecture applicable to victims of conflict or violence under the Victims Law as a key difference. They also explained the framework in place for entitlements beyond humanitarian assistance, including reparations, land restitution, compensation and non-repetition; the provision for individual and collective-level assessments and rights; the recognition that differentiated responses may be warranted; and the political responsibilities and commitments underpinning the development and implementation of the Victims Law. In essence, informants noted that the architecture is based on the effective guarantee of rights within a framework of transitional justice, which has been subject to ongoing demands and monitoring from, civil society, victims and the Constitutional Court, among others.

In comparison, the framework and approach under the DRM Law was described as less rights focused, with greater attention placed on collective-level emergency and humanitarian needs

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[119] See, for example, footnote 57 and footnote 109.

rather than individual and differentiated protection and longer-term solutions. Some informants described the approach as discretionary in terms of identifying available resources and balancing their allocation. Assistance and support may be provided to return and rebuild or relocate, but such efforts are not necessarily undertaken within a solutions and rights-centred framework. These differences were noted as possible reasons why some people return to areas of risk.

Registration of "confined'" populations and others affected by violence

Confinement has created complex humanitarian situations and presented complicated legal questions. Humanitarian actors have worked with the Victims Unit to advocate for recognition of confined population as victims under the Victims Law. Field reports on specific instances of confinement have helped inform the need for such recognition.[120] Confirmation by the Victims Unit on whether a given situation of confinement falls within the framework of the Victims Law and on whether specific individuals can be registered in the Single Registry of Victims is determined on a case-by-case basis through technical discussions. Only relatively large-scale confinements, such as those that concern 50 persons or families are discussed.[121] Not all confined populations are recognized as victims under this process. Criteria for determining which confinements fall within the Victims Law have been articulated but are yet to be conclusively defined.

Since the peace process, new, reconfigured or criminal actors or groups have emerged that do not easily fit within pre-conceptualized categories under the Victims Law, which has made ensuring that displaced and other affected populations have access to assistance and protection more challenging. Debates on which demobilized armed actors are covered under the framework of the Victims Law and who may benefit from protections afforded to displaced persons under the IDP Law are ongoing. Constitutional Court orders and decisions have provided some clarity on this issue (see discussion above), but implementation challenges continue.

Constraints to implementation of laws

Challenges in implementing the Victim's Law and the DRM Law include technical, financial and staffing capacity at the national, departmental and municipal levels, as well as political transitions, political priorities, political will, staffing changes, accountability and enforcement. The centralization of resources and budgetary flows to support needs at the local and departmental levels is another obstacle. However, informants explained that these barriers occur in the context of ongoing violence, noting the difficulties in providing humanitarian aid to many victims during conflicts, as well as comprehensive reparations: "There are many emergencies all the time. The complexity is not in line with the available resources: there is an imbalance."[122]

Compliance efforts by the Ombudsperson's Office

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[120] Informant interview on file with the author.
[121] The following resources from the Victims Unit provide information on the regulatory environment related to confinements: https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/anexotecnico-manualdeconfinamientov1ok.pdf; https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/manualtecnicoconfinamientov1.pdf; and https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/00014de17mayodel2018.pdf.
[122] Informant interview on file with the author.

The Ombudsperson's Office promotes respect for human rights in Colombia, and supports and assesses implementation of, and compliance with, Colombia's laws.[123] The office sends communications and requests to authorities demanding compliance with applicable obligations, including humanitarian assistance towards affected populations. The mandate of the subunit on human mobility (*Defensoría Delegada para los Derechos de la Movilidad Humana*) encompasses various groups who are on the move, although the primary focus rests on people displaced in the context of conflict or violence. Demands may relate to timely and preventive responses as well as the provision of humanitarian assistance and other support and rights protection. Addressing compliance has been challenging, particularly in rural and abandoned areas, locations where illegal armed groups are present or State actors are absent, with requests and demands not necessarily eliciting the desired responses.

With respect to disaster, interventions to ensure compliance with the provision of emergency support and assistance have been less common. Demands for compliance are important for non-emergency support, such as for relocation, voluntary and dignified return or the reconstruction of homes. As visibility wanes, so too does pressure on authorities, which can in turn affects the robustness of responses. In less visible situations and with respect to longer-term interventions, vigilance, monitoring and oversight may be important. The office also issues alerts (discussed below) and provides information to the Constitutional Court in favour of rights protection.[124]

Rights protection, State obligations and the role of the Colombian Constitutional Court

The Colombian Constitutional Court has played a critical role in clarifying obligations, rights and standards and in promoting implementation of the IDP Law and the Victims Law. In this respect, it has been instrumental in fostering greater accountability towards people displaced by conflict or violence. The Constitutional Court has also issued decisions relating to people affected by disasters. For example, Decision T-125/15, which concerns a municipality in Bolívar department, reinforces the obligations of mayors and the Risk Management Unit towards people affected by disasters, discusses rights (including housing), and also references international DRR frameworks.[125] Decision T-547/19 discusses the right to housing and concerns forced evictions in the context of disaster, particularly in the absence of resettlement alternatives.[126] Decision C-156/11 discusses the obligations of the State regarding the prevention of disasters.[127] These examples demonstrate that the Constitutional Court has addressed rights protection and State obligations for people affected by disasters. More recently, the Court has also developed decisions relating to the environment, biodiversity and ethnic populations, which may provide relevant insights regarding the rights of affected and displaced populations and opportunities for demanding stronger protections.

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[123] Informant interview and correspondence on file with the author. Related entities include the Procuraduría General and Personeros (at local level).

[124] There is also an office that oversees disciplinary measures and processes for non-compliant public functionaries.

[125] See *Sentencia T-125/15* (Colombia, Constitutional Court, 2015). Available from https://www.corteconstitucional.gov.co/relatoria/2015/t-125-15.htm (accessed August 2020).

[126] See *Sentencia T-547/19* (Colombia, Constitutional Court, 2015). Available from https://www.corteconstitucional.gov.co/relatoria/2019/T-547-19.htm (accessed August 2020).

[127] See *Sentencia C-156/11* (Colombia, Constitutional Court, 2015). Available from https://www.corteconstitucional.gov.co/RELATORIA/2011/C-156-11.htm (accessed August 2020).

5.3. Practice insights on institutional structures and coordination architecture

Local authorities, responses and coordination

In the context of a disaster or conflict-related emergency, local actors are the first responders responsible for leading and coordinating the response. As noted previously, municipal (and district and departmental) actors have planning and coordination responsibilities under each framework. While different entities are charged with coordination and implementation at the national level, local coordination and response may often engage the same government authorities, actors and committees, including mayors and governors. The principles of subsidiarity and complementarity determine whether municipal-level authorities are supported by district, departmental and national authorities, when necessary. The efficacy of responses varies based on institutional presence and technical, infrastructure, human and financial resources at the municipal (and departmental) level. In some municipalities, these constraints undermine the robustness of the response.

Coordination between the Victims Unit and the Risk Management Unit

In situations where displaced victims are also affected by disaster or vice versa (so-called "double affectation") each framework and institution has responsibilities and obligations and is required to provide the support specified in the applicable laws and policies. For example, when a disaster occurs, municipal-level risk management actors are responsible for providing the support articulated under the DRM Law and in applicable policies to all disaster-affected populations in order to address disaster-related needs. In this context, affected populations may include people who had previously been displaced by conflict or violence. Any victims who have been registered in the Single Registry of Victims may also be entitled to additional assistance and benefits in accordance with the Victims Law. If disaster-affected populations subsequently become displaced by conflict or violence, the Victims Unit is responsible for providing applicable support and registering them into the Single Registry of Victims. Any natural hazard triggered disaster-related adverse effects are not directly taken into account in the registration process.

Accordingly, when a given individual meets the criteria under the applicable legal and policy framework, each system and responsible institution is required to respond. If there is an overlap, both systems carry out their specific responsibilities in line with their competencies and obligations. In this respect, a person can be a beneficiary of both systems. Responses undertaken by Risk Management Unit and Victims Unit actors are generally independent and separate and are not necessarily coordinated. Mechanisms to address so-called "double affectation" have not been articulated in the laws. However, this does not mean responses in every municipality or department occur as explained. As noted, local variations in resources and capacities influence how each system responds to a given emergency. In some municipalities, local authorities supporting victims may have a greater presence and resources than the Risk Management Unit, though the opposite may be true in other municipalities. Local committees under each framework are often comprised of many of the same participants, with coordination between actors better in some places than others. As such, there are case-by-case variations in situations of overlap.

Informants noted greater willingness from each unit to coordinate responses and indicated growing recognition of the need to articulate coordination protocols for double affectation,

particularly with respect to humanitarian assistance. The Risk Management Unit intends to update its standard operations manual on the provision of humanitarian aid and is in discussions with the Victims Unit on the application of the manual to families displaced in the context of conflict and violence. As many displaced victims of conflict build houses in areas where there are hazard risks, the revised manual may also address this dimension.

Preventing and mitigating displacement

The early warning, alert and monitoring instruments and analyses for identifying risks and preventing or mitigating displacement are different for conflicts and disasters and are largely undertaken by different actors. Resource availability for prevention-related activities varies, including among municipalities and departments. A mechanism or instrument that captures conflict and disaster-related risks in a given municipality or department does not appear to exist. According to informants, prevention is an area where communication and coordination between actors working under each sphere could be improved.

In this context, however, informants also noted the existence and relevance of local prevention and mitigation plans under each system. For example, the Risk Management Unit compiles extensive data on hazards and risks throughout the country and has access to tools and instruments to address DRR and DRM. The central Risk Management Unit provides data to local authorities to improve understanding of the risks in certain territories, which in turn informs development, contingency, DRM, recovery and land-use planning.

On the other hand, some informants also suggested that preparedness plans are developed based on the presence of armed actors and that these plans list potential emergency scenarios and response actions and are considered part of the prevention system. [128] However, predicting the nature, timing and scale of confrontations and violence to anticipate prevention and response efforts is extremely challenging. Local plans for risk management and victims could therefore be examined to better understand any overlaps and double affectation and to foster context-specific preventive, prepared, emergency, recovery and long-term responses. For example, understanding whether displaced victims are based in hazard-prone areas may enable local actors to understand how many victims and non-victims may likely need support and pre-emptively plan and agree coordination arrangements. Similarly, planning and responses could be enhanced when there is recognition that non-State armed actors control civilian areas prone to natural hazards.

The early warning system within the Ombudsperson's Office issues alerts and warning in conjunction with other subunits that may collect information. For conflicts, early warning alerts are drafted and disseminated ahead of potential confrontations that may trigger displacements. These alerts call on relevant actors to take preventive measures to minimize the risks and threats identified, many of which end up occurring.

Solutions and development

As noted, the Victims Law articulates victims' rights to restitution, reparation, compensation and non-repetition, whereas the DRM Law does not contain similar rights-based guarantees. Neither

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[128] Informant interview on file with the author.

law includes indicators for durable solutions. For victims, however, the Constitutional Court has ordered the Government to develop and measure specific indicators related to the effective enjoyment of rights. Once a victim is regarded as having obtained full reparations under the Victims Law, they are considered to have achieved a solution. According to informants, however, there is insufficient information to assess the extent to which victims have achieved durable solutions, which is challenging for both conflict and disasters.

The availability of land (including in locations not prone to hazards) and land tenure is relevant to both dimensions. Wide-scale poverty, lack of development, limited opportunities for alternative livelihoods for rural communities, lack of legal recognition in urban areas, new armed and criminal groups and the precariousness of peace, and inequality hinder and challenge the path to sustainable solutions. With respect to conflict, "many of the displaced people are in a continuous and protracted state of displacement." [129] Under the Victims Law "there is no clear or sustainable durable solutions strategy. People receive many measures of reparations, but there is not a comprehensive solutions strategy."[130]

If displaced victims want to return to origin areas, it is crucial to consider security guarantees, which includes the threats and risks of conflicts and violence.[131] The extent to which the Victims Unit, land restitution authorities and Risk Management Unit coordinate on carrying out return and land restitution assessments has not been examined, although according to informants, there are obligations to coordinate on various processes. Technical assessments that have identified hazard-related risks have meant that risk-prone land has not been restituted. With respect to disasters, security-related considerations also inhibit return.

Informants indicated that victims and populations displaced by disasters should have their predicaments addressed and solved through development initiatives. Many of the interventions needed to address the structural dynamics that impede sustainable solutions, such as essential education and health care, lack of housing and economic opportunities, DRR, urban planning and land-use planning, are crosscutting require development frameworks. As noted, it has not been possible to analyse Colombia's NDP, but informants indicated that it is a "major instrument" which also captures development in rural areas with specific municipalities prioritized by the Government for support.[132] Some informants noted the need to better align the social policy of the country given that social conditions are also responsible for vulnerability.[133] The NDP establishes goals towards such alignment. According to some informants, the NDP seeks to "move money from humanitarian aid to reparations and social rights".[134] Some suggested that the framework and units for victims and disaster-affected populations should focus on immediate emergency response only and that ministries and other relevant entities should focus on the rights of and services for all people, including victims and disaster-affected populations. Such a change may be in opposition to the views of many informants, who recognized the need for better coordination in many areas, while also maintaining the differential approach articulated in the legal and policy frameworks.

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[129] Informant interview on file with the author.
[130] Informant interview on file with the author.
[131] It is unclear if disaster-related risk factors are taken into account, including in the context of considering the notion of "dignity".
[132] Informant interview on file with the author.
[133] Informant interview on file with the author.
[134] Informant interview on file with the author.

Support from international humanitarian actors

Humanitarian actors seek to complement government responses. In general, systems for coordination between international humanitarian actors and the Victims Unit are better defined than those with the Risk Management Unit, although agreements for information exchange and support may exist for both units. Although government authorities are the first responders, support from international humanitarian actors has been important in rural and other contexts where limited resources and institutional capacity hinder the effectiveness of responses for displaced victims and disaster-affected populations. Support from humanitarian actors has also been important in areas where they have better access to populations. In general, international humanitarian actors have largely supported government efforts for conflict or violence-affected populations, one reason for which is because the authorities tend to specifically request such support. However, in situations where conflicts and disasters have overlapped (such as when disasters have affected victims of conflict), international humanitarian actors have also supported responses. While humanitarian engagement can be determined on a case-by-case basis, some agency-specific agreements and multi-year action plans are in place that define the areas in which the Government may need support from humanitarian actors.

Support for triple-affected Venezuelans

The influx of Venezuelans into Colombia has challenged responses. According to informants, support from the Victims Unit and the Risk Management Unit is foreseen largely for Colombians. Identifying mechanisms to support triple-affected Venezuelans has raised complex questions, although general guidance on supporting Venezuelans has been issued. Some informants also noted that in theory individuals could be considered victims and thus be included in the Single Registry of Victims regardless of their nationality, however, this may not be occurring in practice. Although humanitarian and emergency responses are being implemented, informants highlighted the urgent need to resolve these challenges and consider the implications for coordination, including through identifying responsibilities and support roles.

6. Interviews and acknowledgements

Thirteen remote interviews were conducted with 19 key informants between May and June 2020 to gain insights on recent developments and practice. All the informants were based in Colombia.

Organization	Number of interviewees
Consultancy for Human Rights and Displacement (Consultoría para los Derechos Humanos y el Desplazamiento)(CODHES)	1
Colombian Red Cross	3
Former Victims Unit	1
International Organization for Migration (IOM)	4
Norwegian Refugee Council (NRC)	2
United Nations Office for the Coordination of Humanitarian Affairs (OCHA)	1
Ombudsperson's Office	1

Risk Management Unit	2
United Nations High Commissioner for Refugees (UNHCR)	3
Victims Unit	1

Annex 4: The Niger case study

1. Conflict, disaster and displacement dynamics

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[1]
2014	47,000	NA	11,000
2015	38,000	47,000	153,000
2016	46,000	166,000	136,000
2017	189,000	40,000	144,000
2018	40,000	52,000	156,000
2019	121,000	57,000	195,000

Since Boko Haram first launched attacks within the Niger in early 2015, persistent and unpredictable waves of internal displacement have occurred in the country.[2] Nigeriens are internally displaced in multiple parts of the country due to conflict and violence. Most conflict-affected internally displaced persons (IDPs), some of whom have experienced multiple displacements, are hosted by local communities and live in the Diffa region in the south-east, near the border with Nigeria. More recently, Nigeriens have also become internally displaced in the south-west in Tahoua and Tillabéri regions due to an upsurge in communal violence and attacks from non-State armed groups located in the border regions with Burkina Faso and Mali. In 2019, new displacement associated with conflict and violence also occurred in the Maradi region of the Niger, where the arrival of thousands of Nigerians from north-west Nigeria created tensions. At the end of 2019, close to 200,000 people remained internally displaced due to violence and conflict.

Rural and urban locations in the Niger, particularly areas surrounding rivers, are prone to recurrent floods, which prompt internal displacement. Since the mid-1980s, there has been an increase in average rainfall, which in turn has increased the frequency of flooding during the rainy season.[3] Recurrent floods occur in both conflict and non-conflict-affected areas, including in the capital Niamey, along the Niger and Komadougou Rivers, and in the cities of Dosso, Maradi and Zinder, among others. Floods in Niamey and the conflict-affected regions of Tillabéri and Diffa, for example, have triggered displacement. More generally, and as is the case in other parts of the Sahel, the Niger has experienced and continues to face rising temperatures, droughts, aridity, desertification and water scarcity, which undermine agricultural productivity, pastoralism and other livelihoods, thus affecting food security.[4]

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[1] As with all the internally displaced person (IDP) data used in this study, these figures are taken from the Internal Displacement Monitoring Centre (IDMC), Global Internal Displacement Database, which is available from https://www.internal-displacement.org/database (accessed June 2020). For more information on IDMC's calculations and methodology, see What's behind our data (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/niger (accessed June 2020). IDMC explains that different sources are used to compile estimates for Niger, including information collected by the Government of Niger's Regional Directorate of Civil Status (DREC). Data on displacement associated with floods is collected from a combination of local media sources, government reports and international organizations' assessments. For the 2019 estimate, IDMC used the housing destruction estimate from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) (triangulated against other sources).

[2] For general background on Niger and displacement see "Country information: Niger" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/niger (accessed June 2020). See also the range of reports available from this web page for further information.

[3] "*Plan de Contingence Inondation 2020*" (Niger, 2020), p. 5, on file with the author.

[4] See for example, "Niger" (Global Facility for Disaster Risk Reduction, n.d.). Available from https://www.gfdrr.org/en/niger (accessed June 2020).

Estimates on internal displacement associated with floods are available for the Niger,[5] but are yet to be compiled for displacement associated with drought.[6] As a result, disaster displacement figures do not capture this phenomenon. Important questions for understanding displacement associated with drought concern how it manifests and where the tipping points are for different people, including pastoralists and farmers.[7] Efforts to develop estimates and a better understanding of such displacements in the Niger are under way.[8] Recent research by the Internal Displacement Monitoring Centre (IDMC) reveals that in times of drought and food insecurity, the Niger experiences common patterns of seasonal and distress migration (a so-called annual exodus), as well as "unusual" pastoralist movements and suggests that some of these movements should be regarded as displacement.[9] In this context, IDMC also notes the linkages between conflict and disaster in many regions of the country,[10] and indicates that insights on how displacement occurs in the context of slower-onset phenomena (such as drought) could support efforts to better understand interactions with conflict and violence.[11]

2. IDP-specific laws and policies

Law on the Protection and Assistance of Internally Displaced Persons (2018)

The Niger is the first country in Africa to adopt a national law on internal displacement domesticating the 2009 Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which it ratified in 2012.[12] In December 2018, the Niger adopted the Law on the Protection and Assistance of Internally Displaced Persons (IDP Law).[13] The Niger's Ministry of Humanitarian Action and Disaster Management (MAHGC) had overarching responsibility for its development, which was coordinated through a steering committee comprising representatives of various ministries and intergovernmental actors.[14] The IDP Law references the 1998 Guiding Principles on Internal Displacement and has 10 chapters that discuss prevention of displacement, protection of IDPs, assistance to IDPs, durable

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[5] "What's behind our data" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/niger (accessed June 2020).

[6] Ibid. IDMC explains that data on displacement associated with drought are not collected or consolidated by any one agency, although there are ongoing efforts to measure and collect data on this phenomenon, including by identifying relevant indicators such as food insecurity and livelihood opportunities. See also "They call it exodus: breaking the cycle of distress migration in Niger" (IDMC, 2019). Available from https://www.internal-displacement.org/publications/they-call-it-exodus-breaking-the-cycle-of-distress-migration-in-niger (accessed June 2020), p. 8.

[7] See for example, "Beyond drought: adding life to the numbers" (IDMC, 2020). Available from https://www.internal-displacement.org/features/beyond-drought-niger-ethiopia-somalia-iraq-displacement (accessed June 2020). On the conceptual dimensions, see generally "On the margin: Kenya's pastoralists – from displacement to solutions, a conceptual study on the internal displacement of pastoralists" (Nina Schrepfer and Martina Caterina, 2014). Available from https://www.internal-displacement.org/sites/default/files/publications/documents/201403-af-kenya-on-the-margin-en.pdf (accessed June 2020).

[8] "Africa report on internal displacement" (IDMC, 2019). Available from https://www.internal-displacement.org/africa-report (accessed June 2020), pp. 47–48.

[9] See footnote 6 (IDMC, 2019).

[10] Ibid., p. 8.

[11] Footnote 8 (IDMC, 2019), pp. 47–48.

[12] "Niger becomes first African country to adopt a national law for protection and assistance of internally displaced people" (United Nations High Commissioner for Refugees [UNHCR], 2018). Available from https://www.unhcr.org/afr/news/press/2018/12/5c0a29eb4/niger-becomes-first-african-country-to-adopt-national-law-for-protection.html (accessed June 2020). "Niger: A consultative process for adopting a national law on internal displacement" (GP20, 2020). Available from https://www.globalprotectioncluster.org/wp-content/uploads/niger.pdf (accessed January 2021)

[13] *Loi n° 2018-74 du 10 décembre 2018 relative à la protection et à l'assistance aux personnes déplacées internes* (Niger, 2018). Available from https://www.refworld.org/docid/5ce404914.html (accessed June 2020).

[14] *Arrêté No.0001 MAGC/SG portant création, attributions et composition du Comité Directeur chargé de l'élaboration du projet de loi sur les personnes déplacées interne au Niger* (Niger, Ministry of Humanitarian Action and Disaster Management [MAHGC], 2018). Available from https://www.refworld.org/docid/5b3f82f84.html (accessed June 2020).

solutions, the institutional framework, and offences against IDPs, humanitarian staff and humanitarian aid. Outside the themes discussed below, the provisions of the IDP Law are largely generic and do not explicitly reference or make other notable distinctions on the treatment of those displaced in the context of conflict or disaster.

Definition of IDP

The IDP Law's definition of an IDP is based on the definition included in the 1998 Guiding Principles on Internal Displacement. Armed conflict, situations of generalized violence, human rights violations and natural or human-made disasters are listed among the triggers for flight.[15] Internal displacement is defined as the involuntary or forced movement, evacuation or resettlement of people or groups of people inside the national territory and does not explicitly reference triggers.[16]

Prevention of internal displacement

In the chapter on prevention, one article specifically mentions prevention in the context of armed conflict and violence, and requires the State to prevent or end human rights violations.[17] A separate article requires the State to take necessary measures to prevent the risks of internal displacement in the event of "natural" or human-made disasters.[18] Although the article does not explicitly reference disaster risk reduction (DRR) measures, it requires all public institutions to take risk and disaster factors into account in development programmes.[19]

Durable solutions

The chapter on durable solutions discusses return, resettlement and local integration. In the discussion on return, the IDP Law states that return to places of origin or habitual residence will be prohibited when such places are in areas where there is a real risk of danger and/or disasters.[20] Conflict or violence is not referenced explicitly, presumably because "danger" is sufficiently broad to capture risks from these triggers.

Offences against IDPs

Article 31 concerns offences against IDPs. Arbitrary displacement in the context of conflict and "natural" disasters are included among punishable offences. Such offences include individual or en masse displacement of civilians in armed conflict situations, unless the security of the civilians or imperative military reasons requires such displacement, in accordance with international humanitarian law, and forced evacuation in the event of natural or humanitarian disasters or due to other triggers, if the evacuations are not required with respect to the safety and health of the persons affected.[21] The sanction is the same for both offences.

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[15] *Loi n° 2018-74 du 10 décembre 2018 relative à la protection et à l'assistance aux personnes déplacées internes* (Niger, 2018). Available from https://www.refworld.org/docid/5ce404914.html (accessed June 2020), article 2(1).
[16] Ibid., article 2(2).
[17] Ibid., article 6.
[18] Ibid., article 7.
[19] Article 8 also discusses obligations to prevent the risks of internal displacement in the context of implementing development projects.
[20] Ibid., article 24.
[21] Ibid.

3. Non-IDP-specific laws and policies

3.1. Disaster risk reduction and disaster risk management

National Disaster Risk Reduction Strategy (2019)

The Niger's 2019 National Disaster Risk Reduction Strategy (*Stratégie Nationale de Réduction des Risques de Catastrophe* – SNRRC) aims to improve the country's disaster risk management (DRM) framework and strengthen the resilience of its people and assets.[22] The SNRRC is intended to align with the 2015–2030 Sendai Framework for Disaster Risk Reduction, the four priorities of which are included in the SNRRC as key lines of intervention. The SNRRC recognizes that the Niger is vulnerable to the effects of various hazards, including droughts and floods as well as community and armed conflicts, and these are a product of its geographical location and the changing nature of the climate, among others. A land-use planning policy that favours the settlement of populations in areas of risk and pronounced environmental degradation are noted as exacerbating this situation.[23]

The SNRRC explicitly references displacement and conflict. Within a strategic theme on promoting investment in DRR for resilience, framed by an action item on integrating risk reduction into emergency response planning, the SNRRC lists advocacy to encourage the adoption of policies and programmes concerning post-disaster displacement.[24] In a section on implementation, as part of a discussion on fields of application, are additional references to conflict and displacement.[25] Droughts, floods, conflicts and localized risks are among the categories that the strategy specifically addresses. In the discussion on droughts, the SNRRC recognizes that they are the most frequent climate phenomenon in Niger and the main trigger for conflicts over natural resources such as pasture and water. On conflicts, the SNRRC notes that these are responsible for forced movements into the country from neighbouring countries, highlighting the negative impacts this has on both host populations and the displaced individuals themselves. On localized risks, the SNRRC explains how these tend to be conflicts related to access to and control over natural resources, *inter alia*.

The Niger's SNRRC contains a detailed discussion of the policy and institutional landscape as it relates to DRR with cross-references to applicable climate change adaptation and development laws, policies and structures. Some of these frameworks are noted below.[26]

3.2. Climate change adaptation

National Adaptation Plan, National Adaptation Programme of Action (2006) and Intended Nationally Determined Contribution (2015)

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[22] "*Stratégie Nationale de Réduction des Risques de Catastrophe (SNRRC)*" (Niger, 2019), on file with the author.
[23] Ibid., p. 1.
[24] Ibid., p. 8.
[25] Ibid., pp. 24–25.
[26] Niger also has a draft 2019 National Strategy for Sustainable Recovery, which is intended to serve as a guidance tool for sustainable multi-hazard recovery. The document contains references to displacement and conflict and may be a useful resource for further research on Niger.

The Niger has launched a process towards the development of a National Adaptation Plan (NAP),[27] but has not submitted it under the United Nations Framework Convention on Climate Change (UNFCCC) process.[28] In 2006, the Niger submitted a National Adaptation Programme of Action (NAPA), which identified urgent and immediate needs in seven vulnerable sectors and 14 priority adaptation interventions.[29] The NAPA does not mention IDPs, displacement or conflict. A sole reference to human movement can be found in a section highlighting past and present practices within an umbrella theme on basic needs for adaptation to climate variability and change, which lists "[m]ovement of the population in search of land and pasture".[30] The Niger's Intended Nationally Determined Contribution (INDC), which was submitted in 2015, does not include references to IDPs, displacement or conflict.[31]

Draft National Policy on Climate Change (2012)

The overall objective of the Niger's Draft National Policy on Climate Change (*Avant-Project de Document de Politique Nationale en Matière de Changements Climatiques* – PNCC) is to contribute to the country's sustainable development by reducing the negative impacts of climate change.[32] In its objectives, the PNCC lists strengthening and developing the adaptive capacities of its population, and highlights promoting endogenous adaptation strategies.[33] Although the policy does not mention displacement, there is one reference to human mobility. In a section on the impacts of climate change on socioeconomic sectors, including agriculture and pastoral activities, the PNCC explains that the dynamics of transhumance movements or the mobility of pastoral societies will be affected, which is likely to exacerbate conflicts over access to natural resources and pressures on certain ecosystems.[34]

3.3. Development

The Niger 2035: A Prosperous Country and a Prosperous People – Sustainable Development and Inclusive Growth Strategy (Volumes I and II)

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[27] "National Adaptation Plan process in focus: lessons from Niger" (United Nations Development Programme [UNDP], United Nations Environment Programme [UNEP] and Global Environment Facility [GEF] n.d.). Available from https://www.adaptation-undp.org/sites/default/files/resources/niger_nap_country_briefing_final_for_print_021117.pdf (accessed June 2020).

[28] "National Adaptation Plans: NAPs from developing countries" (United Nations Framework Convention on Climate Change [UNFCCC] NAP Central, n.d.) https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx (accessed June 2020). Niger's request for funding to prepare an NAP was approved on 31 January 2018. See also "Progress in the process to formulate and implement National Adaptation Plans" FCCC/SBI/2019/INF.15 (UNFCCC, 2019). Available from https://unfccc.int/sites/default/files/resource/sbi2019_INF.15.pdf (accessed June 2020).

[29] "Submitted NAPAs" (UNFCCC, n.d.). Available from https://unfccc.int/topics/resilience/workstreams/national-adaptation-programmes-of-action/napas-received (accessed June 2020).

[30] "National Adaptation Programme of Action" (Niger, 2016). Available from https://unfccc.int/resource/docs/napa/ner01e.pdf (accessed June 2020), pp. 23–34.

[31] "INDCs as communicated by Parties" (UNFCCC, n.d.). Available from https://www4.unfccc.int/sites/submissions/indc/Submission%20Pages/submissions.aspx (accessed June 2020).

[32] "*Avant-Projet de Document de Politique Nationale en Matière de Changements Climatiques (PNCC)*" (Niger, 2012). Available from https://climate-laws.org/cclow/geographies/niger/policies/national-policy-on-climate-change-pncc (accessed June 2020), p. 6. Note also that the SNRRC mentions that a National Policy on Climate Change was adopted in 2012 (p. 10)

[33] Ibid., pp. 6–7

[34] Ibid., p. 19. The policy also contains a further reference to resurgent conflicts between farmers and herders in the context of population growth and environmental degradation arising from cultivation and other uses of land (pp. 15–16). Other documents that are relevant for a deeper understanding of the environmental and climate change policy landscape may include the Strategic Framework for Sustainable Land Management in Niger and its Investment Plan 2015–2029, the National Strategy and Action Plan on Climate Change and Variability (developed in 2003, adopted in 2004 and revised in 2014, according to the SNRRC) and the National Policy on the Environment and Sustainable Development (*Plan National de l'Environnement pour un Développement Durable* – PNEDD).

The Ministry of Planning developed two volumes of a Sustainable Development and Inclusive Growth Strategy, titled the Niger 2035: A Prosperous Country and a Prosperous People.[35] The strategy seeks to provide a long-term vision for sustainable development and inclusive growth in the Niger, and to serve as a reference framework for all government strategies and actions. Although the strategy does not mention IDPs or displacement,[36] it contains multiple references to conflict and security, including references to conflicts between pastoralists and farmers.[37]

4. Institutional structures and coordination architecture

4.1. IDP-specific laws and policies

Law on the Protection and Assistance of Internally Displaced Persons (2018)

The IDP Law establishes an institutional framework in articles 26–29. Article 26 establishes a National Coordination Committee for the Protection and Assistance of IDPs to facilitate coordination and decision-making within the Government as well as with other actors, including national human rights institutions, civil society and humanitarian organizations. The Law also establishes a Prevention and Coordination National Observatory, which is responsible for preventing factors that are likely to trigger internal displacement.[38] Article 27 creates a protection and assistance fund for IDPs and article 28 outlines its funding sources, listing the State, local authorities and technical and financial partners. The organization and operation of these institutions and structures are to be fixed by decrees, the status of which decrees is discussed in section 5.

As noted, the MAHGC had coordinating responsibility for the drafting of the IDP Law. Although not explicitly discussed in the Law, the Ministry was established in 2016 in response to calls from humanitarian actors for a robust institutional focal point.[39] The Minister has a broad mandate and is responsible, in coordination with other relevant ministers, for conceptualizing, developing, implementing, coordinating, evaluating and monitoring policies and actions related to humanitarian crises and disaster management.[40] This mandate covers certain aspects of refugee and IDP protection.[41] Some of these responsibilities are further elaborated in the next section.

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[35] "*Niger 2035: Un pays et un peuple prospères – Stratégie de Développement Durable et de Croissance Inclusive (Tome I et Tome II)*" (Niger, Ministry of Planning, 2017). Available from http://www.fao.org/faolex/results/details/en/c/LEX-FAOC179372/ (accessed June 2020). English summary available from https://www.nigerrenaissant.org/sites/default/files/pdf/summary-sdigs.pdf.
[36] Migration and migrants are referenced in terms of rural to urban migration and international migration in search of employment opportunities, and the need to manage migration flows due to security threats.
[37] Footnote 35, Vol. I, pp. 28, 30–31. The strategy also discusses vulnerability to and the impacts of climate change. Another document that may be relevant for understanding the development context in Niger is the Economic and Social Plan 2017–2021, developed by the Ministry of Planning in 2017. This plan is mentioned in the SNRRC and contains references to displacement and conflict. The SNRRC also mentions the PNEDD (noted in section 3.2 of this case study), which aims to contribute to the development of Niger through the sustained management of natural and environmental resources in order to increase the resilience of populations to natural hazards and ensure sustainable food and nutritional security for present and future generations.
[38] Footnote 13, article 26.
[39] See "Ministry of Humanitarian Action and Disaster Management" (MAHGC, n.d.). Available from https://mahgc.ne/ (accessed June 2020).
[40] Ibid. *Décret n° 2016-208/PM du 11 Mai 2016 précisant les attributions des membres du Gouvernement*, (Niger, 2016). Copy on file with the author.
[41] Ibid. Other key ministers include the Minister of Interior, the Minister of Public Security, the Minister of Decentralization and Customary Religious Affairs and the Minister of Agriculture and Livestock.

4.2. Non-IDP-specific laws and policies

National Disaster Risk Reduction Strategy (2019)

The National Platform for Disaster Risk Reduction (NFP-DRR), established in 2012 under the Office of the Prime Minister, has overall responsibility for DRR in the Niger.[42] The NFP-DRR brings together State and non-State stakeholders to implement the SNRRC in accordance with national policies, laws and regulations at the local, regional and national levels. The Office of the Prime Minister holds the presidency of the NFP-DRR (as well as the presidency of another key body, the National Food Crisis Prevention and Management System (*Dispositif National de Prévention et Gestion des Crises Alimentaires* – DNPGCA)).[43]

The implementation of the SNRRC involves the MAHGC (previously discussed), the National Council of the Environment for Sustainable Development (*Conseil National de l'Environnement pour un Développement Durable* – CNEDD) (discussed in the next section) and other ministries relevant to their areas of competence, including the Ministry of Interior (and its General Directorate of Civil Protection (DGPC)), the Ministry of Environment and the Ministry of Agriculture and Livestock.[44] The SNRRC notes that the MAHGC, the DNPGCA and CNEDD have been set up to ensure coordination of DRR (and climate change adaptation) interventions, and that the Niger has opted for a policy that decentralizes DRR interventions.[45] A National Steering Committee comprised of heads of agencies, including the Chief of Staff to the Prime Minister and the above-mentioned actors, is responsible for overseeing the implementation of the SNRRC.[46] Technical implementation of the SNRRC is undertaken by a Permanent Monitoring and Evaluation Secretariat, which is provided by the secretariat of the NFP-DRR and reinforced by focal points of key structures.[47]

The SNRRC highlights the creation of the MAHGC in 2016 as a reflection of political will to prevent and manage climate change and disasters and to improve the coping capacity of households and communities.[48] It has a central administration and four technical departments and can rely on DNPGCA's tools. The MAHGC's responsibilities include establishing mission administrations on case-by-case basis to manage specific situations. The Ministry is also tasked with developing and implementing the humanitarian and disaster management policy, anticipating the occurrence of disasters (such as floods or an influx of refugees, displaced persons or returnees), developing contingency plans, coordinating responses at the national, subnational and intersectoral levels, creating synergies between DRR efforts and other activities (including responses to humanitarian crises and disasters), developing and implementing projects to support the reception and reintegration of returnees and IDPs, and ensuring the implementation of sustainable solutions to floods by supporting efforts to ban building in flood-prone areas.

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[42] Footnote 22, pp. 16–17. See also "Niger National Platform" (United Nations Office for Disaster Risk Reduction [UNDRR], PreventionWeb, n.d.). Available from https://www.preventionweb.net/english/hyogo/national/list/v.php?id=125 (accessed June 2020).

[43] Ibid., p. 25. The DNPGCA is an operational support tool with regional and departmental divisions. The DNPGCA, together with the Community Early Warning and Emergency Response Systems (*Système Communautaire d'Alerte Précoce-Réponses aux Urgences* – SCAP/RU) at the commune level, are intended to be complementary structures for crisis management (p. 2).

[44] Ibid., pp. 16–19.

[45] Ibid., p. 3.

[46] Ibid., p. 25.

[47] Ibid., p. 26.

[48] Ibid., p. 18.

National Adaptation Programme of Action (2006), Intended Nationally Determined Contribution (2015) and Draft National Policy on Climate Change (2012)

In 1996, the Niger created the CNEDD,[49] which is responsible for coordinating and monitoring national policies on the environment and sustainable development, and is the national focal point on all UNFCCC and climate change-related initiatives.[50] The CNEDD's responsibilities include coordinating and monitoring the implementation of projects under the NAPA,[51] which specifies decentralized services of relevant ministries as the bodies responsible for carrying out its priority activities. Local committees, which will comprise all parties working on a given project, will support the technical services.[52] The Ministry of Environment, Urban Hygiene and Sustainable Development (MESUDD) was responsible for preparing the Niger's INDC and is the national institution tasked with implementing its related programmes in coordination with the CNEDD.[53] Under the draft PNCC, the CNEDD is responsible for coordinating institutional implementation arrangements and is a key actor in the monitoring and evaluation system (along with the National Technical Commission on Climate Change and Variability, which was established in 1997).[54]

The Niger 2035: A Prosperous Country and a Prosperous People – Strategy for Sustainable Development and Inclusive Growth Strategy (Volumes I and II)

The Ministry of Planning was responsible for developing the Niger's development strategy.

5. Insights on practice

The following discussion reflects insights and *perceptions* gained from practice. These were gathered through remote interviews with 19 informants. Where specific documents are discussed, they are referenced in footnotes.

5.1. Practice insights on conflict, disaster and displacement dynamics

Interactions between triggers and drivers of displacement

A complex, interrelated and intertwined set of drivers and triggers compel population movements in the Niger. When analysing and disaggregating contemporary triggers of displacement, focus is often narrowly placed on conflict and violence. However, "everything is connected".[55] "We are trying to categorize things to make it simpler, but none of this is black

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[49] Ibid., pp. 17–18. See also "Le CNEDD" (CNEDD, n.d.). Available from http://www.cnedd.ne/ (accessed June 2020).

[50] The SNRRC also contains further details on the CNEDD's roles and responsibilities (pp. 17–18), referencing its role in mobilizing resources for the implementation of the PNEDD, and the coordination and harmonization of all stakeholders' activities in the PNEDD process.

[51] "National Adaptation Programme of Action" (Niger, 2006). Available from https://unfccc.int/resource/docs/napa/ner01e.pdf (accessed June 2020), p. 72.

[52] Ibid.

[53] "Intended Nationally Determined Contribution of Niger" (Niger, 2015). Available from https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Niger/1/Niger-INDC-final_Eng_20151020162516_65260.pdf (accessed June 2020), p. 13.

[54] Footnote 32, pp. 5–8.

[55] Informant interview on file with the author.

and white."[56] Resource scarcity, drought, floods, food insecurity, lack of access to basic services and chance in the climate are not new phenomena and have impacted Nigerien livelihoods for years. More recently, some informants suggested that these factors also influence radicalization. A historical lens and a deeper appreciation of the implications of natural resource governance are therefore important. Robust, holistic analyses of the multiplicity of drivers and triggers and their interactions are necessary to identify long-term actions to prevent, mitigate and solve internal displacement.

Preventive and multiple displacements

In the Niger, people become displaced as a preventive measure when faced with imminent threats. Secondary and tertiary displacements also occur. For some people, the most proximate trigger may be (the threat of) conflict or violence, which leads to multiple displacements. In some regions of the Niger, people displaced by conflict or violence are subsequently affected or displaced by floods. Similarly, in flood-prone areas, people may be displaced multiple times by floods. "Many will be displaced by conflict, disaster and pendulum movements in fear of attack."[57]

Concept of an IDP and connection to conflict and disasters

The concept of an "IDP" is relatively new in the Niger. It became prominent due to the Boko Haram insurgency, which drove large-scale conflict-related displacement in the country. As a result, the term IDP is closely connected with conflict. Floods, which commonly occur in Niger, also cause displacement, though the Government does not systematically collect data on displacement associated with floods. People displaced in the context of floods are not necessarily perceived as IDPs unless they have also been displaced by conflict. These insights have implications for the implementation of the IDP Law and suggest a need to raise awareness among key stakeholders regarding their obligations towards IDPs affected by disasters (as well as other triggers).

Drought-related mobility

Drought-related mobility is not necessarily considered as displacement within the context of operational responses in the Niger. "It is a struggle to identify how many are displaced by drought because the trigger is unclear."[58] Although there is recognition that compulsion and constrained choices underpin movements related to drought, including due to impacts on livelihoods, populations who move in the context of drought are not supported in the same way as conflict or flood-affected IDPs. The fact that many people who move in the context of drought are pastoral or traditionally mobile populations may partly explain the failure to conceptualize such movements as displacement.[59]

Access to affected populations

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[56] Informant interview on file with the author.
[57] Informant interview on file with the author.
[58] Informant interview on file with the author.
[59] See discussion in section 1 of this case study. See also footnote 6.

A range of factors limit access to the Niger's displaced populations, who are predominantly located in border regions where there is limited access to basic social services. In the capital, Niamey, responses to flood-related displacement are relatively easier to implement, due to its location. This differs to border areas, which after rainy seasons and disasters become difficult to access due to road conditions, making implementation more costly. As such, poor infrastructure and weather conditions affect responses towards both conflict and flood-affected populations. Equally, conflict, violence and insecurity restrict access to displaced populations. When floods occur in Diffa and Tillabéri, insecurity and violence hinder the delivery of humanitarian aid. The declaration of a state of emergency, threats, military operations, the absence of State authority, or government-imposed prohibitions or requirements (such as a military escort system) can mean that humanitarian actors and implementing partners are unable to access conflict or flood-affected populations.

Humanitarian assistance based on vulnerabilities

In the regions affected by conflict and violence, the provision of humanitarian assistance under the cluster system is based on an assessment of vulnerability, not status. Criteria for determining vulnerability cover a broad range of characteristics and conditions. Vulnerability assessments allow actors to account for the compounding effects of conflict, floods and other conditions, including multiple displacements in regions such as Diffa and Tillabéri. Cluster actors identify households in need of humanitarian assistance, which may include displaced and non-displaced populations affected by human mobility.

Stigmatization

Populations displaced in the context of conflict (regardless of whether they have been affected by disasters) may face greater stigma than those displaced by floods. Conflict-affected IDPs are more likely to be perceived as sympathizers and as (voluntarily or involuntarily) hiding extremist groups.

5.2. Practice insights on law and policy

Implementation of the IDP Law and implementing decrees

The Niger has developed four decrees as part of efforts to implement its 2018 IDP Law. In April 2020, two decrees were adopted,[60] one of which concerns the modalities of application of the IDP Law and is be to implemented by the MAHGC.[61] The decree requires the Niger to set up an early warning system to prevent and mitigate the effects of displacement, as well as training and awareness-raising programmes and mechanisms to identify and register actors providing assistance and to ensure respect for human rights.[62] Local and regional authorities are required to develop and implement resilience-building programmes to help people remain in places of residence, including creating mechanisms for the prevention and resolution of inter-communal

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[60] "*Communiqué du Conseil des Ministres du Vendredi 17 April 2020*" (ActuNiger, 2020). Available from https://www.actuniger.com/politique/16069-communique-du-conseil-des-ministres-du-vendredi-17-avril-2020.html (accessed June 2020).

[61] *Décret N° 2020-298/PRN/MAH/GC du 17 avril 2020 déterminant les modalités d'application de la loi n° 2018-74 du décembre 2018 relative à la protection et à l'assistance aux personnes déplacées internes* (Niger, 2020), articles 1 and 8. On file with the author.

[62] Ibid., article 2(1).

conflicts.[63] Vulnerability criteria are to be established for protection and assistance through a participatory approach that includes IDPs and host communities.[64] Measures to protect and assist IDPs are to be taken after consultation with them, and in a manner that does not undermine social cohesion.[65] To support IDP resilience, income-generating activities are also to be established.[66] The decree does not explicitly mention DRR and disaster dimensions.

The second adopted decree concerns the organization and modalities of operation of the National Coordination Committee for the Protection and Assistance of IDPs established under article 26 of the IDP Law.[67] The decree seeks to facilitate government decision-making on IDP matters and to improve the coordination of all protection and assistance activities for IDPs by creating a relevant national framework for responding to situations of internal displacement in the Niger. The National Coordination Committee, which is housed under the MAHGC, is responsible for coordinating responses to all IDP situations. This includes identifying IDPs, their characteristics and needs, and locations, establishing tools to collect and share information on IDP movements, monitoring and evaluating activities of humanitarian actors, and collaborating with all actors relevant to IDPs at the national and local levels.[68] At the national level, the Committee is chaired by the Minister for Humanitarian Action and includes representatives from the Ministry of Interior, Ministry of Agriculture and Livestock, Ministry of Civil Protection, as well as the United Nations High Commissioner for Refugees (UNHCR) and United Nations Office for the Coordination of Humanitarian Affairs (OCHA), with the International Committee of Red Cross and Red Crescent Societies (ICRC) as an observer.[69] The National Coordination Committee is required to have representatives at the regional, departmental and communal levels.[70]

The development of the IDP Law and its implementing decrees has influenced consideration of IDP needs and interests. For instance, the Law requires IDPs to be individually registered and for IDPs and host community needs and vulnerabilities to be assessed, and as such, "offers new possibilities for protection and assistance to IDPs".[71] The outstanding decrees relate to the funding mechanism and the national observatory noted under the IDP Law.[72]

Data collection and new committee

Efforts to improve data collection on IDPs (including as envisaged under article 12 of the IDP Law), identify interactions among different drivers and triggers (including drought) and promote disaggregation are ongoing. In October 2019, the MAHGC adopted an *arrêté* (a document similar to a decree, but adopted by one ministry), which established a National Committee for

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[63] Ibid., article 2(2).
[64] Ibid., article 3.
[65] Ibid., article 4.
[66] Ibid., article 6.
[67] See discussion in section 4.1. *Décret N° 2020-297/PRN/MAH/GC du 17 avril 2020 déterminant l'organisation et les modalités de fonctionnement du comité de coordination nationale de protection et d'assistance aux personnes déplacées internes* (Niger, 2020), article 2. On file with the author.
[68] Ibid., article 2.
[69] Ibid., articles 3 and 4.
[70] Ibid., article 5.
[71] Written response from informant on file with the author.
[72] Written response from informant on file with the author. See discussion in section 4.1 and articles 26–28.

Data Collection and Information Management on IDPs.[73] Housed under the MAHGC, the Committee's functions and responsibilities include establishing early warning mechanisms, creating tools for collecting, sharing and validating information, centralizing information, analysing movement trends, publishing monthly data on population movements, and submitting reports on IDPs and other communities to the National Coordination Committee for the Protection and Assistance of IDPs (discussed in the next section). The Committee for Data Collection and Information Management on IDPs includes representatives of the MAHGC and the Ministries of Interior, Public Security, Decentralization and Customary and Religious Affairs, as well as representatives of OCHA, UNHCR, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) and non-governmental organizations. The MAHGC acts as the Committee's Secretariat. Efforts to operationalize and decentralize committee functions have been undertaken, including through training on data-collection methodologies and tools. In addition, regional committees were established in Tahoua, Tillabéri, Diffa and Mara during 2020. The creation of a body dedicated to data collection and analysis suggests that the Niger's efforts to collect more comprehensive information will continue to evolve and provide opportunities that will enhance understanding and analysis, including on disaster-related displacement.

Awareness-raising and capacity-building on IDP Law

Prior to the emergence of COVID-19, the MAHGC had developed dissemination, awareness-raising and capacity-building plans to improve and foster understanding of IDP rights, as well as roles and responsibilities under the IDP Law. This agenda focused on subnational levels of governance, humanitarian actors and IDPs in Diffa, Tillabéri and Tahoua. There are also plans to translate the IDP Law into the most common national dialects spoken by IDPs. In the Maradi region, where conflict and violence-related displacements are a relatively new phenomenon, the MAHGC and protection cluster actors jointly informed local authorities on the IDP Law, including duties related to protection and assistance. These actions were thought to have influenced IDP assessments. The dissemination, awareness-raising and capacity-building plans and the decrees are considered tools to promote similar responses for those displaced in the context of conflict and disaster (see discussion below). Another challenge hampering understanding of the legal and regulatory architecture in the Niger is the lack of an accessible portal for laws and policies. Obtaining such documents can often require direct interaction with government authorities.

Humanitarian and disaster management policy

In April 2020, the Niger's Council of Ministers also adopted a Humanitarian and Disaster Management Policy.[74] The policy seeks to provide an inclusive risk prevention and disaster management framework, define the humanitarian action sector, and contribute to the achievement of national development objectives.[75] The ministerial communication explains that the policy will support coordination and State leadership for concerted action by relevant actors,

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[73] *Arrêté No.00012 ter/MAH/GC/SG portant création, attributions, composition et fonctionnement du Comité National de Collecte des Données et de Gestion des Informations sur les Personnes Déplacées Internes au Niger* (Niger, 2019). Informant correspondence on file with the author. According to the informant, this *arrêté* supersedes an earlier one issued on the same day, and the only change relates to the inclusion of the ICRC as a member of the National Committee for Data Collection and Information Management on IDPs.

[74] *Décret N° 2020-296/PRN/MAH/GC du 17 avril 2020 portant adoption du document de Politique Humanitaire et de Gestion des Catastrophes au Niger* (Niger, 2020). On file with the author.

[75] See footnote 60.

suggesting that the multiplicity of actors in the arena has influenced low reactivity for leading humanitarian and disaster management actions. The policy is to serve as a framework for consultation and action throughout the disaster management chain, including prevention, preparedness, relief, response, early recovery and development. In this context, the policy is structured around four focus areas: (1) strengthening institutional, legislative and regulatory mechanisms for effective coordination of humanitarian action and disaster management; (2) prevention and community mobilization for disaster management; (3) disaster preparedness, alert and response; and (4) development of recovery actions for communities impacted by or exposed to disasters.

5.3. Practice insights on institutional structures and coordination architecture

Capacity and challenges to implement the IDP Law

Before the MAHGC was established, the DNPGCA, which is housed under and presided by the Office of the Prime Minister, was responsible for coordinating responses to food security crises and to disasters (i.e. floods). Since 2016, the MAHGC has overseen responses to conflict and disaster-affected IDPs, with the DNPGCA focused primarily on crises related to food security. Informants noted high levels of political will and engagement from the MAHGC, which has also deployed personnel to key regions of the country, including Diffa, Maradi, Tahoua and Tillabéri, to facilitate communication between local authorities and humanitarian actors and also coordination of humanitarian actors. However, as a "young" and relatively new entity in the Niger's governance architecture, informants also raised questions regarding its capacity and resource mobilization (human, technical and budgetary) to operationalize the IDP Law and implement responses throughout the displacement cycle. The MAHGC was considered a legislative and policy body, perhaps with increasing yet insufficient authority and power to enforce its mandate. In this context the operationalization of structures established under the IDP Law also need to be accelerated.

In addition, and as noted previously, access issues and the need to ensure the safety of actors constrains the implementation of activities to protect and assist IDPs in areas affected by conflict and violence. With respect to areas affected only by floods or other disasters, challenges in implementing activities include insufficient resources for the care of disaster victims, limited relocation sites, non-compliance with prohibitions on construction in flood-prone areas, occupation and construction in flood-prone areas and limited designation of disaster sites.

Responses to populations affected by conflict

The MAHGC and OCHA lead and coordinate humanitarian responses for IDPs in the Niger, while MAHGC and UNHCR lead the protection cluster. Local authorities and leaders coordinate with humanitarian actors, who focus their activities in zones where conflict or violence are prevalent. Most cluster or sector actors have adapted responses based on a division of geographic zones, determined on accounts of needs, resources, capacity and presence in a given area. Under an established architecture, early warnings and alert systems trigger the humanitarian response architecture for conflict in the Niger. There are developed, structured mechanisms and tools to plan, assess, respond, monitor and evaluate responses in conflict zones, and interventions include different levels of government, conflict-affected populations, the United Nations system

and other intergovernmental and non-governmental actors. This is not to say however, that humanitarian coordination challenges do not exist.

In this context, humanitarian and protection responses by the international community and their implementing partners (and also arguably by the Government) are strongly focused on conflict-affected areas and conflict-affected populations, including the displaced. Challenges therefore arise due to access and security issues (as noted) and based on the level of receptivity of local leaders and communities where displaced populations settle.

Informants also suggested that humanitarian actors in the Niger may benefit from a deeper (more technical) understanding of underlying conflict and violence dynamics, also known as "conflict-sensitivity". Conflict sensitivity and the "do no harm" principle were highlighted as important considerations, as inadequate attention to them in programming could inadvertently affect tensions. In this respect, informants noted that greater attention should be placed on bridging divides between actors working on conflict prevention and humanitarian actors working with displaced populations.

Responses to populations affected by floods

The MAHGC has lead responsibility with respect to floods. A National Committee for Flood Response, established by decree, plays a strategic and coordinating role.[76] The Committee comprises the MAHGC, the Directorate of Civil Protection, OCHA and the DNPGCA. Each year, the MAHGC prepares a flood-related contingency plan, which acts as a management tool to anticipate, prepare and respond to floods and to support populations exposed to or affected by the impacts of floods, including their return. The contingency plan for 2020 indicates that the number of displaced people is high as floods often affect urban areas. [77] As noted earlier and elaborated below, the Government is yet to systematically collect data on flood related displacement in the Niger.

The 2020 contingency plan sets out the planned activities for the year, which includes prevention, preparedness and alerts, emergency relief and response, post-flood recovery, and coordination.[78] The contingency plan allocates roles and responsibilities to different government actors, including the Directorate of Civil Protection, the DNPGCA and local authorities, as well as the humanitarian community.[79] Flood Response Committees are also established at the departmental, regional and communal levels.[80] Management of flood response is allocated based on the number of households affected. If less than 50 households are affected, the municipality is responsible, if 51–100 households are affected, responsibility is at the departmental level, and if 101–500 households are affected, responsibility falls to regional authorities.[81]

At the operational level, humanitarian partners support responses to flood-affected populations, including in situations where the responsibility falls to municipal, regional or

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[76] The author was not able to obtain a copy of this document. However, see the composition noted in footnote 3, p. 16. Flood Response Committees are also established at the departmental, regional and communal levels.
[77] Ibid., p. 5.
[78] Ibid., pp. 12–14.
[79] Ibid., pp. 14–15.
[80] Ibid., p. 15.
[81] Ibid.

departmental authorities. This is particularly the case where local government capacity is limited and requests are made for assistance. The priority sectors, which support flood response, include shelter, non-food items, food security, water, sanitation and hygiene, and health.

In practice, geographical zones of operation and presence also determine how the international humanitarian community engages with the response. When floods occur in locations already affected by conflict, humanitarian actors also provide humanitarian assistance to disaster-affected populations, including disaster-affected IDPs, although this can depend on whether local authorities have requested such support, and on the capacity and availability of resources. As noted, needs assessments are based on vulnerability, and floods can secondarily displace conflict-affected IDPs or heighten their vulnerability as well as that of host communities. For example, if a flood occurs in Diffa and authorities request support, humanitarian partners will respond based on their presence, access and capacities.

In areas unaffected by violence and conflict, flood response can be ad hoc. For example, if a flood occurs in Niamey or in other regions unaffected by conflict, a request from government authorities may prompt the MAHGC and OCHA to request support from the humanitarian community. As noted, the scale of households affected by floods determines which level of government has responsibility, thus meaning requests are often ad hoc and do not involve a coordinated system. Which humanitarian actors answer the Government's call depends on presence, capacity and resources, and perhaps also visibility. In such contexts, resource mobilization and responses by humanitarian actors may be weaker and less effective (although there may be greater interest in supporting responses in Niamey due to visibility).

Responses to populations affected by drought

Different governmental and international actors implement drought-related interventions. The DNPGCA and the Ministry of Agriculture and Livestock have a lead role in this area, as do actors engaged with the food security cluster. The CNEDD and the Ministry of Environment are also relevant. However, if the intensity of drought reaches a threshold where humanitarian assistance is needed, humanitarian actors may respond, providing food security-related interventions for example, especially in regions also affected by conflict.

Each year the DNPGCA develops a support plan, which serves as a reference document for planning and programming responses and facilitating advocacy and resource mobilization, while also specifying technical standards for interventions.[82] The 2020 Support Plan for Vulnerable Populations (*Plan de Soutien aux Populations Vulnérables*) addresses the planning, programming and monitoring of interventions in response to food security, nutrition and pastoralism needs. The plan indicates that dry periods have caused poor production, particularly in the regions of Tillabéri, Diffa, Maradi, Dosso, Zinder and Tahoua, some of which are areas also affected by conflict, floods or both. It also recognizes the impacts of conflict (including the declaration of states of emergency) and drought on market supply, the impacts of floods on access to basic services, and the needs of IDPs, flood victims and victims of other disasters, among others. It also notes efforts to align with the Humanitarian Response Plan for the Niger.[83]

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[82] "*Plan de Soutien aux Populations Vulnérables 2020*" (Niger, Office of the Prime Minister and National Food Crisis Prevention and Management System, 2020). Available from https://reca-niger.org/IMG/pdf/plan_soutien__2020_dnpgca_vf.pdf (accessed July 2020).
[83] Ibid. pp. 4–7.

Prevention and mitigation of displacement related to floods

Informants suggested that fewer actors implement interventions related to the prevention of displacement. Nonetheless, the Niger has seen greater DRR interventions in recent years, which has been driven by the donor community and the Niger's commitment to the 2015–2030 Sendai Framework. Efforts to mitigate floods and associated risks (including the risk of displacement) have been undertaken, as floods often recur in the same areas. This includes community-based awareness-raising, early warning systems and real time communication, prohibitions on building and occupation in flood-prone areas, the building of dykes and other barriers, and relocation.[84] A law on prohibiting construction in flood-prone areas has also been adopted but does not have an implementing decree,[85] which hinders accountability and enforcement.

One key complication concerns fertile and cultivatable land and livelihoods around riverbanks and other flood-prone areas, as people are reluctant to permanently leave such locations. Households that were supported and compensated to move out of flood-prone areas have subsequently moved back and rebuilt in the same locations, and there are ongoing building projects in flood zones. Elected local authorities are responsible for enforcing relocations, but counter-enforcement incentives linked to maintaining political power exist. As such, every year, many of the same people need assistance during the flood season.

To the extent that such interventions are undertaken, flood-related prevention is carried out more often in areas that are unaffected by conflict, as conflict and violence make DRR programming difficult. Activities to mitigate flood-related risks are less prevalent in conflict-affected areas. Humanitarian actors that are present in conflict-affected regions focus primarily on emergency response and conflict-related interventions rather than DRR. In essence, not enough is done to address prevention issues in conflict-affected areas.

Prevention and mitigation of displacement related to droughts

In the Niger, efforts are under way to mitigate the impacts of drought, including population movements. A regional early warning mechanism (AGRHYMET Regional Centre)[86] provides seasonal analysis and predictions, which are used to develop strategies and inform and raise awareness among pastoralists and farmers. The severity of the predictions also determines whether support and assistance interventions are needed. Action to support preparation includes adapting agricultural products as well as stock and distribution of crops with a shorter lifespan (quicker growth). Practical challenges also arise, especially in terms of convincing populations to use alternatives. In some regions, such as Maradi and Zinder, programmes are also being implemented that seek to increase the resilience of communities facing drought.

Funding

According to informants, more funding is available at the government level to address drought and drought-related food insecurity. Humanitarian funding is largely directed towards

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[84] The author was not able to obtain decrees or regulations concerning no-build zones.
[85] Written response from informant on file with the author.
[86] See "AGRHYMET Regional Centre" (United Nations Office for Outer Space Affairs, n.d.). Available from http://www.un-spider.org/links-and-resources/institutions/agrhymet-regional-centre (accessed August 2020).

supporting conflict and violence-affected populations, though there may be some sectoral variation. Some informants noted that very little humanitarian funding seemed to be available for flood responses. the Niger has been referred to as a "forgotten crisis"[87] due to the "constant struggle to obtain funds".[88] The limited funding available is mostly used to address emergency humanitarian responses and immediate needs, especially as crises expand into new regions.

Solutions

As noted, the limited funding available means that attention is focused largely on addressing immediate humanitarian needs. According to some informants, conflict and poverty make resilience programming difficult and because emergency needs are ongoing in some parts of the country, they are in a "prolonged emergency state" and some people face "protracted displacement related to the prolonged emergency".[89] Ongoing insecurity, violence and conflict also make it difficult to build longer-term strategies for areas where people lack access to basic services and solutions programming is challenging. Development actors and development interventions are less common in conflict-affected regions. Responses to flood-related disasters are also not embedded in long-term responses.

6. Interviews and acknowledgements

Sixteen remote interviews were conducted with 19 key informants between March and July 2020 to gain insights on recent developments and practice. Most informants were based in the Niger, though some worked in a regional capacity and others were formerly based in the Niger.

Organization	Number of interviewees
Food and Agriculture Organization of the United Nations (FAO)	1
International Committee of the Red Cross (ICRC)	1
Internal Displacement Monitoring Centre (IDMC)	2
International Organization for Migration (IOM)	3
International Rescue Committee (IRC)	1
Ministry of Humanitarian Action and Disaster Management	2
Niger Red Cross	2
Norwegian Refugee Council (NRC)	1
Office for the Coordination of Humanitarian Affairs (OCHA)	1
Search for Common Ground	1
United Nations High Commissioner for Refugees (UNHCR)	4

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[87] Informant interview on file with the author.
[88] Informant interview on file with the author.
[89] Informant interview on file with the author.

Annex 5: Philippines case study

1. Conflict, disaster and displacement dynamics

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[1]
2014	5,787,000	124,000	78,000
2015	2,221,000	288,000	62,000
2016	5,930,000	280,000	87,000
2017	2,529,000	645,000	445,000
2018	3,802,000	188,000	301,000
2019	4,094,000	183,000	182,000

The Philippines is an archipelagic State located along the so-called "Ring of Fire" and the typhoon belt in the Pacific Ocean.[2] It is highly exposed to a range of natural hazards, including typhoons, tropical storms, floods, earthquakes, landslides, tsunamis and volcanic eruptions. Disasters drive large-scale displacement and affect millions of people. Disasters have led to frequent, multiple or long-term displacements. Between 2014 and 2019, there was an average of over 4 million new displacements associated with disasters each year. The Philippines regularly ranks among the top countries in the world on the scale of new displacements associated with disaster.

Although smaller in scale, new internal displacements associated with conflict and violence have also become commonplace in the southern Philippines. In Mindanao, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), internal conflicts involving various actors including Muslim separatists, clan militias, criminal groups, political "clans" and between government forces and some armed groups, including those inspired by the "Islamic State" have displaced people for decades. Conflict and violence continues in parts of the country with clashes between different groups and the Philippine military. For instance, violence escalated in 2017, resulting in significant displacement, most notably in Marawi.[3] Family or clan-based feuds, known as "rido", in which "civilians" engage in armed violence, particularly over land, has also prompted displacements.[4] At the end of 2019, over 180,000 people remained internally displaced due to conflict. In Mindanao, people also become displaced due to disasters

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[1] As with all the internally displaced person (IDP) data used in this study, these figures are taken from the Internal Displacement Monitoring Centre (IDMC), Global Internal Displacement Database, which is available from https://www.internal-displacement.org/database (accessed September 2020). For more information on IDMC's calculations and methodology, see What's behind our data (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/philippines (accessed September 2020). IDMC explains that the Philippines is one of the most reliable countries in Asia for data on both conflict and disaster displacement and that the primary sources for data are the government's Disaster Response Operations Monitoring and Information Center (DROMIC – which is part of the Department of Social Welfare and Development) and UNHCR, which works with partners in the Mindanao region. DROMIC provides national coverage and publishes regular situation reports, which include overall figures for conflict and disaster displacement. Cases in which conflict- and disaster-related displacement have not been reported by DROMIC have related to smaller-scale events. UNHCR's data has been helpful for providing more detailed information on the varied forms of conflict-associated displacement. See Philippines: Disaster displacement data from preparedness to recovery (GP20, 2020). Available from https://www.globalprotectioncluster.org/wp-content/uploads/philippines_DDDPR.pdf (accessed January 2021)

[2] For general background on the Philippines and displacement see "Country information: Philippines" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/philippines (accessed June 2020). See also the range of reports available from this web page for further information.

[3] Ibid; Philippines: Mindanao conflict (ACAPS, n.d.). Available from https://www.acaps.org/country/philippines/crisis/mindanao-conflict (accessed September 2020).

[4] Informant interview on file with the author.

triggered by natural hazards such as typhoons, earthquakes and floods,[5] and multiple displacements associated with both conflict and disaster occurs.[6]

Many internally displaced persons (IDPs) sheltering in evacuation centres within host communities or in urban settings in the aftermath of disasters return to their places of origin relatively quickly, even if they return to damaged or destroyed homes, depleted livelihoods and places of disaster risk.[7] This does not necessarily mean people who return have overcome protection and assistance needs associated with their displacement.[8] Others may face obstacles to return, including due to military restrictions in certain areas or because areas of origin have been deemed unsafe. Some are relocated to new sites or continue to live in transitional shelters.

The confluence of factors and the experience of multiple displacements can compound precarious living conditions, deplete resilience and increase vulnerability. Marginalized groups such as indigenous populations are particularly affected.[9] Displacement also occurs in the context of insecure land tenure or "informal rights".[10] Some of the reasons why displacement may become long-term or constrain durable solutions relate to conflict and violence, including over land; insufficient or unsuitable land for relocation sites; lack of effective justice systems, including to address land-tenure conflicts; inadequate investment in and focus on sustainable livelihoods and productive assets; and inadequate consultation and conditions in relocation sites.[11]

2. IDP-specific laws and policies

The Philippines does not have an IDP-specific law or policy, notwithstanding over a decade of efforts and debates to develop national legislation on this topic.[12] In May 2013, President Aquino III vetoed an IDP bill on the basis that certain aspects were unlawful, and others, such as powers granted to the Philippines Commission on Human Rights, were unconstitutional.[13] A revised bill from 2014 was based on and referenced the 1998 Guiding Principles on Internal Displacement.[14] It declared a "State policy to adopt a rights-based approach for the promotion

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[5] See "Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to the Philippines", A/HRC/32/35/Add.3 (United Nations Human Rights Council, 2016). Available from https://reliefweb.int/sites/reliefweb.int/files/resources/G1606860.pdf (accessed September 2020); "Cycle of conflict and neglect: Mindanao's displacement and protection crisis. Summary and recommendations" (IDMC, 2009). Available from https://www.internal-displacement.org/sites/default/files/inline-files/200910-ap-philippines-cycle-of-conflict-and-neglect-sumrec-country-en.pdf (accessed September 2020); footnote 1 (IDMC, 2020).
[6] Ibid.
[7] Ibid., paragraph 6; "Breaking the impasse: Reducing protracted internal displacement as a collective outcome" (Walter Kälin and Entwisle Chapuisat, 2017). Available from https://www.unocha.org/sites/unocha/files/Breaking-the-impasse.pdf (accessed September 2020), annex I, section III.
[8] "Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to the Philippines", A/HRC/32/35/Add.3 (United Nations Human Rights Council, 2016). Available from https://reliefweb.int/sites/reliefweb.int/files/resources/G1606860.pdf (accessed September 2020), ibid.
[9] For a discussion of the specific vulnerabilities faced by indigenous populations, see Inclusive data on disaster displacement must include indigenous people (Álvaro Sardiza Miranda *et al.*, 2020). Available from https://www.internal-displacement.org/expert-opinion/inclusive-data-on-disaster-displacement-must-include-indigenous-people (accessed January 2021).
[10] Correspondence with the author. Disaster risk may be considered reasonable ground for eviction of informal settlers. Further information may be found in Republic Act No. 7279, also known as the Urban Development and Housing Act of 1992.
[11] Footnote 7 (Walter Kälin and Hannah Entwisle Chapuisat, 2017), annex I, section III.
[12] Footnote 5 (Human Rights Council, 2016), paragraph 9.
[13] *Veto Message of President Aquino on Senate Bill No. 3317 and House Bill No. 5627* (The Philippines, Official Gazette, 2013). Available from http://www.officialgazette.gov.ph/2013/05/24/veto-message-of-president-aquino-on-senate-bill-no-3317-and-house-bill-no-5627/ (accessed September 2020); ibid.
[14] *Rights of Internally Displaced Persons Act: Senate Bill No. 1142 (2014)* (The Philippines, 2014). Available from https://www.refworld.org/docid/5b42f5974.html (accessed September 2020).

and protection of the rights of internally displaced persons in situations of armed conflict, generalized and/or organized violence, clan wars, violations of human rights, implementation of development projects, natural, human-induced and human-made hazards."[15] The definition of IDP included these triggers of displacement.[16] In delineating its scope, the bill identified the relevance of the Climate Change Act of 2009 and the Philippine Disaster Risk Reduction and Management Act of 2010 to addressing risks associated with natural hazards and the impacts of climate change on the rights of IDPs.[17] The bill was presented to legislative bodies, but was never adopted.[18]

More recently, the issue has been given new momentum. In 2019 and 2020, four draft IDP bills entitled "Protecting the Rights of Internally Displaced Persons, Providing Penalties for Violations thereof and for Other Purposes" were filed before the Philippines House of Representatives, while another two versions were filed before the Philippines Senate.[19] Efforts to reconcile these documents and to advocate for their adoption among the legislature are ongoing. Institutional coordination and leadership are among the key issues to be resolved.[20]

Despite the absence of a specific IDP law or policy, the Philippines has a range of other legal and policy instruments that are applicable to the protection and assistance of IDPs. These include the Philippine Constitution and other laws on rights protection;[21] civil documentation; gender-based violence; and the protection of children (as well as the Disaster Risk Reduction and Management Act of 2010 discussed in section 3). In this respect, the Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof (RA 11188), and the Children's Emergency Relief and Protection Act (RA 10821) are particularly notable.

RA 11188, addressing protection in armed conflict, is applicable to "all children involved in, affected by or *displaced* by armed conflict."[22] The act explicitly references the 1998 Guiding Principles on Internal Displacement and addresses the rights and protection of children in situations of armed conflict, which include internally displaced children.[23] They are defined to include children who have fled in the context of armed conflict and situations of generalized violence.[24] RA 11188 does not reference disaster situations. On the other hand, RA 10821 on emergency relief and protection for children applies in disaster and other emergency situations. The State policy proclaims "to protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or

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[15] Ibid., section 2. See also section 4.

[16] Ibid., section 3(h).

[17] Ibid., section 4.

[18] Philippines (Global Protection Cluster, n.d.). Available from https://www.globalprotectioncluster.org/2018/07/27/philippines/ (accessed September 2020).

[19] Informant interview and exchanges on file with the author.

[20] Ibid.

[21] For example, there are instruments on the rights of indigenous people.

[22] *Republic Act No. 11188: An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof*, section 5 (The Philippines, Official Gazette, 2019). Available from https://www.officialgazette.gov.ph/downloads/2019/01jan/20190110-RA-11188-RRD.pdf (accessed September 2020). Implementing regulations were adopted in May 2019.

[23] Ibid., section 5(k).

[24] Ibid., section 5(v).

endangered by circumstances that affect their survival and normal development". [25] "Disaster" (as well as "emergency", "hazard" and "state of calamity", *inter alia*) is defined in accordance with the National Disaster Risk Reduction and Management Act of 2010 (discussed in section 3), which is cross-referenced multiple times. While RA 10821 does not explicitly reference displacement, the act does address issues related to evacuation. Conflict is not mentioned in RA 10821 and its references to violence pertain to violence against women. RA 11188 includes sanctions against violators. RA 10821 does not.

3. Non-IDP-specific laws and policies

Given its vulnerability to natural hazards, legal and institutional structures on addressing disasters in the Philippines have evolved over decades.[26] The contemporary framework is based on a law adopted in 2010, which together with a framework developed pursuant to it, contains some recognition of displacement and interactions between disasters and conflict dynamics. Efforts to revise the 2010 law remain a work-in-progress, and as such the 2010 law continues to provide the overarching legal architecture. [27] It is supplemented by a plethora of other instruments.[28] In the absence of a specific law on internal displacement, the Philippines has used a disaster management approach to address displacement, including displacement associated with conflict.[29]

3.1. Disaster risk reduction and disaster risk management

Philippine Disaster Risk Reduction and Management Act of 2010 (and National Disaster Risk Reduction and Management Framework of 2011)

The Philippine Disaster Risk Reduction and Management Act of 2010 was seen as a reflection of the Philippines' commitment to reform its domestic framework in accordance with global instruments and to shift the paradigm from reactive disaster responses to one of disaster risk reduction (DRR) and disaster risk management (DRM).[30] The act contains substantive provisions to shape the legal, policy, institutional, coordination, funding, accountability and

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[25] The Philippines, *Republic Act No. 10821: An Act Mandating the Provision of Emergency Relief and Protection for Children Before, During, and After Disasters and Other Emergency Situations* (The Philippines, Official Gazette, 2016). Available from https://www.officialgazette.gov.ph/2016/05/18/republic-act-no-10821/ (accessed September 2020), section 2.

[26] See "Disaster risk reduction in the Philippines: status report 2019"*,* (United Nations Office for Disaster Risk Reduction [UNDRR], 2019). Available from https://www.undrr.org/publication/disaster-risk-reduction-philippines (accessed September 2020); "Philippines: disaster management reference handbook" (Center for Excellence in Disaster Management and Humanitarian Assistance, 2018). Available from https://www.cfe-dmha.org/LinkClick.aspx?fileticket=TAbF2w1Kghw%3d&portalid=0 (accessed September 2020).

[27] See Adopted legislation and rules: Philippines DRM bill (International Federation of Red Cross and Red Crescent Societies, n.d.). Available from https://www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/new-legislation-adopted-on-idrl/ (accessed September 2020); footnote 26 (UNDRR, 2019); informant interview on file with the author.

[28] See discussion on operational and coordination plans in section 5.2.

[29] See "A disaster approach to displacement: IDPs in the Philippines" (Reinna Bermudez, Francis Tom Temprosa and Odessa Gonzalez Benson, 2018). Available from https://www.fmreview.org/GuidingPrinciples20/bermudez-temprosa-gonzalezbenson (accessed September 2020), which also highlights some of the limits of this approach.

[30] See "National Disaster Risk Reduction and Management Framework" (The Philippines, National Disaster Risk Reduction and Management Council, 2011). Available from https://www.adrc.asia/documents/dm_information/Philippines_NDRRM_Framework.pdf (accessed September 2020); "Disaster-induced internal displacement in the Philippines: the case of Tropical Storm Washi/Sedong" (Justin Ginnetti *et al*., 2013). Available from https://www.internal-displacement.org/sites/default/files/publications/documents/2013-ap-philippines-DRR-country-en.pdf, (accessed September 2020).

implementation landscape on DRR and DRM.[31] Under this act, the declared policy includes upholding people's constitutional rights to life and property by addressing root causes of vulnerabilities to disasters, strengthening institutional capacity for DRR and DRM, and by building community resilience to disasters and climate change impacts.[32] The declared policy also includes adopting a holistic, comprehensive, integrated and proactive DRR and DRM approach to lessen socioeconomic and environmental impacts of disasters including climate change, and to promote the involvement and participation of all sectors and stakeholders at all levels, especially the local community.[33]

In this context, the act's scope covers development of policies and plans and the implementation of actions and measures pertaining to all aspects of DRR and DRM, including good governance, risk management and early warning, knowledge-building and awareness-raising, reducing underlying risk factors and ensuring preparedness for effective response and early recovery.[34] Although the rights of affected people are not in focus, they are noted in the act, including in the State's policy. It declares that the State must "[a]dhere to and adopt universal norms, principles and standards of humanitarian assistance and the global effort on risk reduction"[35] and "[e]nsure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous knowledge systems, and respectful of human rights".[36]

Only a few notable references to displacement and the needs of displaced populations are found in the Philippine Disaster Risk Reduction and Management Act of 2010. In its definition of "disaster preparedness", the act indicates that preparedness includes activities such as "the development of arrangements for […] evacuation […which] must be supported by formal institutional, legal and budgetary capacities."[37] Another provision tasks certain institutional bodies with maintaining a database of locations of critical infrastructure and capacities, including evacuation centres.[38] Most notably, the mandated functions of local authorities include recommending the "implementation of forced or preemptive evacuation of local residents, if necessary".[39] In section 12, which concerns the establishment of local DRR and DRM offices and committees responsible for setting the direction, development and implementation of programmes, the act contains its only explicit reference to internal displacement. In the context of responding to and managing the adverse effects of emergencies and carrying out recovery activities, local and village-level bodies are required to "endeavor to create a special place where internally-displaced mothers can find help with breastfeeding, feed and care for their babies and give support to each other".[40]

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[31] *Republic Act No: 101211: An Act Strengthening the Philippine Disaster Risk Reduction and Management System, Providing for the National Disaster Risk Reduction and Management Framework and Institutionalizing the National Disaster Risk Reduction and Management Plan, Appropriating Funds Therefor and for Other Purposes* (The Philippines, Official Gazette, 2010). Available from https://www.refworld.org/docid/5b42f43f4.html (accessed September 2020).
[32] Ibid., section 2(a).
[33] Ibid., section 2(d).
[34] Ibid., section 4.
[35] Ibid., section 2(b).
[36] Ibid., section 2(j).
[37] Ibid., section 3(j).
[38] Ibid., section 12(c)(12).
[39] Ibid., section 11(b)(3). Similarly, the definition of "disaster prevention" states that it "expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as […] land-use regulations that do not permit any settlement in high-risk zones" (section 3(k)). This provision also appears to reflect an appreciation of the potential for displacement and other harm if people settle in areas prone to risks.
[40] Ibid., section 12(c)(16).

The Philippine Disaster Risk Reduction and Management Act of 2010 includes one reference to conflict. It articulates a State policy to "[m]ainstream disaster risk reduction into the peace process and conflict resolution approaches in order to minimize loss of lives and damage to property, and ensure that communities in conflict zones can immediately go back to their normal lives during periods of intermittent conflicts".[41] The term "state of calamity" is defined in this act as "a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads and normal way of life of people in the affected areas as a result of the occurrence of natural or human-induced hazard",[42] and arguably captures situations of conflict or violence. The term is used in provisions on the declaration and lifting of a state of calamity, emergency powers, functions of institutional actors and funding mechanisms. "Complex emergencies" are defined as "a form of human-induced emergency in which the cause of the emergency as well as the assistance to the afflicted is complicated by intense level of political considerations" and therefore potentially also encompasses conflict and violence.[43] However, the term "complex emergency" is only used in two provisions, both on funding allocations.[44]

The notion of "vulnerability" is sufficiently broad to capture human-induced hazards; it is defined as "the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. Vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise environmental management".[45] Explanation of conflict-related political dimensions are however, notably absent. Meanwhile, "vulnerable and marginalized groups" are defined as "those that face higher exposure to disaster risk and poverty including, but not limited to, women, children, elderly, differently-abled people, and ethnic minorities."[46]

Under the Philippine Disaster Risk Reduction and Management Act of 2010, a National Disaster Risk Reduction and Management Framework (NDRRMF) must be developed to provide "a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach" to DRR and DRM and to serve as the principal guide to DRR and DRM efforts in the country.[47] The first NDRRMF was adopted in 2011.[48] It references the 1998 Guiding Principles on Internal Displacement, noting that the Philippine Disaster Risk Reduction and Management Act of 2010:

> underscored the importance of being consistent with global agreements and declarations. Also, it supported compliance with international commitments relating to climate change adaptation. The said law promotes adherence to universal norms,

[41] Ibid., section 2(i). The Act also contains multiple references to "climate change" and "development" throughout, reflecting the recognition of interactions between disaster and DRR, DRM and these two factors.
[42] Ibid., section 3(ll).
[43] Ibid., section 3(f).
[44] Ibid., sections 21 and S.22(c). In each provision, the funds can be used "for relief and recovery programs in order that situation and living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, may be normalized as quickly as possible."
[45] Ibid., section 3(nn).
[46] Ibid section 3(oo).
[47] Ibid., section 6(a).
[48] See footnote 30.

principles and standards on humanitarian assistance such as the [...] United Nations Guiding Principles and Guidelines on Internal Displacement and Durable Solutions".[49]

The NDRRMF includes evacuation-related measures as key result areas for disaster preparedness and disaster response. It aims to raise awareness and understanding among authorities and other stakeholders – including the Philippines population – of the country's DRR and DRM goals and guide national and local action by serving as a benchmarking, monitoring and evaluation tool. The NDRRMF recognizes that the Philippines is affected by human-induced disasters, such as conflict and war, which is highlighted as a cross-cutting issue, and that people are forced to evacuate in such situations. It acknowledges overlaps, noting that the "country is challenged by increasing disaster and climate risks caused by dynamic combinations of natural and human-induced hazards, exposure, and people's vulnerabilities and capacities."[50]. In accordance with the Philippine Disaster Risk Reduction and Management Act of 2010, it re-emphasizes the goal of mainstreaming DRR "into the peace process and conflict resolution approaches".[51]

3.2. Climate change adaptation

Climate Change Act of 2009 and the National Framework Strategy on Climate Change 2010–2022

The Climate Change Act of 2009 complements the Philippine Disaster Risk Reduction and Management Act of 2010.[52] The Climate Change Act recognizes the interdependence between DRR and climate change adaptation and between climate change and development and contains multiple references to these themes. However, the act does not reference displacement or other forms of human mobility.[53] Similarly, it does not reference conflict. It requires the development of a National Framework Strategy on Climate Change and a National Climate Change Action Plan.[54] The Framework Strategy recognizes the adverse effects of climate change on human settlements and notes that migratory movements into at-risk areas are contributing to overall vulnerability to climate change.[55] However, it features no explicit references to displacement, nor to IDPs.[56]

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[49] Ibid.

[50] Ibid.

[51] Ibid. There are discussions on climate change adaptation and development in which disasters are framed as a development concern. The emphasis is on the shift to a DRR and DRM paradigm and to a multi-hazard, intersectoral, inter-agency and government-wide approach. Increased migration is also mentioned.

[52] *Republic Act No. 9729: An Act Mainstreaming Climate Change into Government Policy Formulations, Establishing the Framework Strategy and Program on Climate Change, Creating for this Purpose the Climate Change Commission, and for Other Purposes* (The Philippines, Official Gazette, 2009). Available from https://www.officialgazette.gov.ph/2009/10/23/republic-act-no-9729/ (accessed October 2020). In 2012, Republic act no. 10174 amended the Climate Change Act to provide long-term climate financing for local government units and people's organizations' climate adaptation initiatives (see, for example "Climate laws and policies" (Green Climate Fund Philippines, n.d.). Available from https://www.gov.ph/web/green-climate-fund/climate-laws-and-policies) (accessed October 2020).

[53] Ibid. Section 10 of the act, on a panel of experts, notes that the panel shall provide advice on "enhancement of adaptive capacity of vulnerable human settlements to potential impacts of climate change."

[54] Ibid., sections 11–13.

[55] "National Framework Strategy on Climate Change 2010–2022" (The Philippines, Climate Change Commission, 2009). Available from http://www.neda.gov.ph/wp-content/uploads/2013/10/nfscc_sgd.pdf (accessed October 2020), section 5.2.6.

[56] The National Climate Change Action Plan 2011–2028 (NCCAP) assesses climate risks and outlines and agenda for adaptation and mitigation. Its priorities include human security, and it outlines specific programmes and strategies to enhance the adaptive capacity and resilience of communities to climate change (pp. I, 5–6). In this context, it contains references to human mobility. For example, the NCCAP explains that "Security concerns associated with climate change include the potential for conflict over natural resources,

National Adaptation Plan, National Adaptation Programme of Action and Intended Nationally Determined Contribution (2015)

The Philippines has not submitted a National Adaptation Plan (NAP), or a National Adaptation Programme of Action (NAPA).[57] Its Intended Nationally Determined Contribution (INDC), which was submitted in 2015, does not contain any references to IDPs, internal displacement or other forms of human mobility.[58]

3.3. Development

Philippine Development Plan 2017–2022

The Philippine Development Plan 2017–2022 (PDP) contains one explicit reference to IDPs and several references to displacement.[59] In chapter 17 ("Attaining Just and Lasting Peace"), within the scope of an outcome focused on protecting communities in conflict-affected areas and developing conflict-vulnerable areas, the PDP states that programmes and initiatives dealing with peace concerns surrounding internal armed conflicts will be harmonized; these include "protection of rights and promotion of interests of vulnerable groups", including IDPs.[60] In chapter 11 ("Reducing Vulnerability of Individuals and Families"), notable references to displacement relate to the vulnerability of children and indigenous people and displacement in the context of development policies.[61] The PDP also refers to the relocation or resettlement of people in the context of disaster, as well as evacuation. Many of the references to conflict feature in chapter 17, which recognizes that communities that experience armed conflict are frequently among the poorest and families that belong to these communities need to be prepared to evacuate promptly.[62]

4. Institutional and coordination framework

4.1. Non-IDP-specific laws and policies

Philippine Disaster Risk Reduction and Management Act of 2010

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population displacement and migration as a result of sea-level rise or other large-scale biophysical, ecological or social disruptions, and the prospect of increasingly frequent humanitarian disasters as the result of extreme climate events. The notion of human security amidst climate change risks, therefore, considers a state or condition where individuals and communities have the options necessary to end, mitigate or adapt to threats to their human, environmental and social rights; have the capacity and freedom to exercise these options, and actively participate in pursuing these options" (p. 16). There is a further reference to displacement in the framework, as well as references to "climate refugees". References to conflict relate primarily to resources or climate-change induced conflicts.

[57] National Adaptation Plans (United Nations Framework Convention on Climate Change [UNFCCC], n.d.). Available from https://www4.unfccc.int/sites/NAPC/News/Pages/national_adaptation_plans.aspx (accessed October 2020); Submitted NAPAs (UNFCCC, n.d.). Available from https://unfccc.int/topics/resilience/workstreams/national-adaptation-programmes-of-action/napas-received, (accessed October 2020).

[58] "Intended Nationally Determined Contributions: Communicated to the UNFCCC on October 2015" (The Philippines, 2015). Available from https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Philippines/1/Philippines%20-%20Final%20INDC%20submission.pdf (accessed October 2020).

[59] "Philippine Development Plan 2017–2022" (The Philippines, National Economic and Development Authority, 2017). Available from http://pdp.neda.gov.ph/wp-content/uploads/2017/01/PDP-2017-2022-07-20-2017.pdf (accessed October 2020).

[60] Ibid., p.266.

[61] Ibid., chapter 11. Other human movement-related language, such as "migration" and "mobility" is referenced extensively, but rarely in relation to conflict and disaster-related contexts.

[62] Ibid., p. 259.

The Philippine Disaster Risk Reduction and Management Act of 2010 established (or relaunched an existing body as) the National Disaster Risk Reduction and Management Council (NDRRMC).[63] The NDRRMC is an inter-agency body, comprised of the heads of government departments and agencies, including the Armed Forces and the Climate Change Commission (CCC) (discussed in the paragraph on the Climate Change Act of 2009) and representatives of civil society and the private sector.[64] It has overall authority for policymaking, coordination, integration, supervision, monitoring and evaluation.[65] The NDRRMC's extensive responsibilities include advising the President on the status of disaster preparedness, prevention, mitigation, response and rehabilitation operations; recommending the declaration of a state of calamity to the President; developing the NDRRMF; establishing early warning, alert and response systems; managing and mobilizing resources for DRR and DRM, including a fund established under the act; and developing vertical and horizontal coordination mechanisms for coherent implementation.[66] Some of these responsibilities require coordination with the CCC.[67]

The Secretary of the Department of National Defense chairs the NDRRMC.[68] The Chairperson of the NDRRMC also has the power to call on the Philippines reserve forces to assist in relief and rescue during disasters and calamities.[69] The NDRRMC comprises four Vice-Chairs, each with a different area of responsibility: (1) the Secretary of the Department of Interior and Local Government is responsible for disaster preparedness; (2) the Secretary of the Department of Social Welfare and Development (DSDW) is responsible for disaster response; (3) the Secretary of Department of Science and Technology is responsible for disaster prevention and mitigation; and (4) the Director General of the National Economic and Development Authority (NEDA) covers disaster rehabilitation and recovery.[70]

The Office of Civil Defense (OCD) is the Secretariat of the NDRRMC.[71] The Office is responsible for administering a comprehensive civil defence, DRR and DRM programme through the provision of leadership and strategic and systematic approaches. The administrator of the OCD is also the Executive Director of the NDRRMC.[72] The OCD also has extensive and diverse functions and responsibilities, including advising the NDRRMC; developing and implementing national standards; advising, reviewing, evaluating and providing local-level technical assistance; and capacity-building.[73]

The Philippine Disaster Risk Reduction and Management Act of 2010 decentralizes and devolves authority, responsibility and resources to subnational and local authorities. It establishes (or renames) the Regional Disaster Risk Reduction and Management Councils (RDRRMCs) and the Local Disaster Risk Reduction and Management Councils (LDRRMCs), which exist at the provincial, city and municipal levels.[74] The OCD officers serve as the Chairpersons of the

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[63] See footnote 31, section 5.
[64] Ibid.
[65] Ibid., section 6.
[66] Ibid., section 6; section 16.
[67] Ibid., section 6(j) and 6(n).
[68] Ibid., section 5.
[69] Ibid., section 7.
[70] Ibid., section 5.
[71] Ibid., section 8.
[72] Ibid.
[73] Ibid., section 9.
[74] Ibid., sections 10-12; as confirmed through correspondence on file with the author. At the barangay level, the council is known as the Barangay Development Council.

RDRRMCs and regional representatives of each of the four government departments that serves as Vice-Chairs of the NDRRMC are the Vice-Chairs of the regional councils. Regional OCD offices serves as the secretariats of the RDRRMCs.[75] LDRRMCs are comprised of the head of the local social welfare and development office, the local planning and development officer, a member of the Philippines Red Cross and relevant members of the Armed Forces and the police.[76] The act also establishes a Local Disaster Risk Reduction and Management Office (LDRRMO) in every province, city and municipality, as well as a Barangay Disaster Risk Reduction and Management Committee in every barangay, which are responsible for the direction, development, implementation and coordination of DRM programmes within their territorial jurisdiction.[77] The LDRRMOs are under the office of the governor, the city mayor or the municipal mayor, as applicable.[78]

Coordination and leadership in emergency contexts, including preparing for, responding to and recovering from the effects of a disaster is determined according to specific criteria. The breadth of geographic impacts determines responsibility.[79] Local government units (LGUs) have the primary responsibility as first responders.[80]

Climate Change Act of 2009

The Climate Change Act of 2009 established the Climate Change Commission (CCC), a body chaired by the President that holds the same status as a national government agency and is attached to the Office of the President.[81] It is the lead policymaking body on climate change and is responsible for coordinating, monitoring and evaluating programmes and action plans to ensure the mainstreaming of climate change into development plans and programmes pursuant to the act.[82] The CCC's Advisory Board includes the Secretary of the Department of the Interior and Local Government and the Secretary of the Department of National Defense, who chairs the NDRRMC. At least one sectoral representative must be from the DRR community. The powers and functions of the CCC include to "[c]oordinate and establish a close partnership with the [NDRRMC] in order to increase efficiency and effectiveness in reducing the people's vulnerability to climate related disasters."[83] Roles of various government agencies, including the Department of the Interior and Local Government are set out in section 15. The act also establishes a Climate Change Office to assist the CCC, a National Panel of Technical Experts, and a People's Survival Fund.[84]

Intended Nationally Determined Contribution (2015)

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[75] Ibid., section 10.
[76] Ibid., section 11.
[77] Ibid., section 12.
[78] Ibid.
[79] Ibid., section 15.
[80] Ibid.
[81] See footnote 52, section 4.
[82] Ibid., sections 4–5.
[83] Ibid., section 9(j). The Act says the "National Disaster Coordinating Council", but the Climate Change Act was passed before the Philippine Disaster Risk Reduction and Management Act of 2010, and therefore used the name of the former body; see also section 9 more generally.
[84] Ibid., sections 8, 10 and 18.

The Philippines' INDC indicates that a Cabinet Cluster on Climate Change Adaptation and Mitigation was created to focus on increasing convergence and coordination among government agencies with key roles in the adaptation and mitigation area.[85]

Philippine Development Plan 2017–2022

The Philippines' National Economic and Development Authority (NEDA) prepared the PDP. Under the Philippine Disaster Risk Reduction and Management Act of 2010, NEDA is one of the four Vice-Chairs of the NDRRMC and is responsible for disaster rehabilitation and recovery.

5. Insights on practice

The following discussion reflects insights and *perceptions* gained from practice. They were gathered through remote interviews with 19 informants. Where specific documents are discussed, they are referenced in footnotes.

5.1. Practice insights on conflict, disaster and displacement dynamics

"Evacuees" more common nomenclature

The terms "IDP" and "internal displacement" are not commonplace in the Philippines. Many LGUs and operational actors do not use the terms "IDPs" or "displaced persons". The term more frequently used to refer to displaced persons is "evacuees".[86]

Disaster is the backdrop in the Philippines

In general, in the island groups of Luzon and Visayas, internal displacement is predominantly triggered by disasters, although there are "pockets" of violence. In Mindanao, by contrast, relatively more internal displacement may be triggered by conflict, and displacement associated with both conflict and disaster is prevalent. As such, in the Philippines, the "backdrop is disaster".[87]

Conflict-related triggers, impacts on people and returns

As noted in section 1, in Mindanao, diverse manifestations of conflict and violence trigger displacement. Examples include confrontations involving different constellations of government Armed Forces, ISIS-inspired and other armed groups, family or clan-based feuds, or *rido* between (influential and resourced) families, often related to land or other resources. While all these dimensions are jointly categorized as "conflict and violence", the triggers, scales and impacts on people are diverse, and this must be taken into account and analysed to develop appropriate and targeted solutions, as well as prevention and response strategies. For example, displacement can be both temporary and repetitive in some conflict contexts. In others, displacement tends to last longer than displacement associated with disasters. Return is not always possible when responses are militarized, which is more frequent in conflict situations.

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[85] See footnote 58, p. 2.
[86] Informant interview on file with the author. Some LGUs in Manila may be an exception. In this context, humanitarian agencies continue to advocate for the use of the terms "IDPs" and "displaced persons".
[87] Informant interview on file with the author.

People seeking to return to conflict-affected areas face barriers, including restrictions on return or insecurity.

Return in disaster contexts

When disasters trigger displacement, many people return home soon after emergency conditions subside. Informants reported that "it is easier for disaster-affected populations to return."[88] While returns may not always comply with international standards (for example, voluntary return in safety and with dignity) the "decision" to return may be made by IDPs in the sense that they return of their own volition and not necessarily due to government orders. In some situations, displacement associated with disasters may also become protracted; the breadth of destruction of houses and dwellings and impacts on livelihoods influence such predicaments. On the other hand, some IDPs refrain from returning on their own volition as return may mean that they are unable or precluded from accessing government assistance and services. In other disaster contexts, however (for example, earthquakes), IDPs may not be permitted to return because their barangas are identified as areas of high risk, creating ongoing "transitional" predicaments.

Pre-emptive displacement and rido *may not always be recognized*

In the context of conflict, people flee to avoid attacks, fighting and violence. Pre-emptive displacements in anticipation of harm occur when armed groups or military actors move into the proximity of villages and civilian areas. These anticipatory and pre-emptive movements may not always have been recognized as displacement in the past as "nothing has happened" to prompt or trigger flight.[89] In addition, local government authorities may not necessarily be able to utilize "calamity funds" to support such pre-emptive movements. Furthermore, displacement associated with *rido* is not always recognized and therefore populations displaced by it may not necessarily receive the support and assistance they need.

Access, militarization and humanitarian assistance

Humanitarian access is generally easier in disaster situations and more complicated in areas affected by conflict. Volatility in security conditions generates unpredictability and uncertainty around the provision of humanitarian aid. Access to affected populations can vary, depending on factors such as the presence of State and non-State armed actors and the intensity, scale and dynamics of conflict. A militarized approach influences responses. The need to seek formal permission for access, restrictions on movement and security-related delays presents impediments and create barriers. These dimensions affect the timeliness of responses. When non-State armed groups are engaged in confrontations, delays may stem from verification processes and concerns associated with "terrorist" infiltration of displaced communities. Specific protocols related to security and monitoring are more prevalent in conflict. Some IDPs are also hard to access because they displace into areas inaccessible to the government and its Armed Forces.

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[88] Informant interview on file with the author.
[89] Informant interview on file with the author.

Vulnerability, multiple displacements and overlap

Vulnerable communities, including indigenous people; those in high-risk, hazard-prone areas; and people affected by conflict and violence, are at higher risk of being displaced. Some people have been displaced multiple times in their lifetime. In Mindanao, the same people can be "displaced again and again" by conflict.[90] Equally, there are situations and municipalities where the two triggers may affect the same people, such as when floods occur in areas affected by fighting. For example, people who have fled in the context of the so-called "Marawi siege" have been affected by subsequent insecurity or disaster.[91] Similarly, people displaced into evacuation centres in the context of the Zamboanga City crisis were subsequently affected by heavy rainfall and flooding.[92] Informants also noted that in parts of Maguindanao province people are repeated displaced by conflict and violence and by disasters.[93] Multiple displacements, including those stemming from diverse forms of violence and conflict or disaster, compound conditions of vulnerability and "become more and more complex" to address.[94]

Assistance, needs and registration

In general, assistance is focused on key tangible items, including food, non-food items, shelter and psychosocial support. Informants indicated that in conflict contexts, psychosocial needs are particularly acute, given multiple displacements; the volatility of insecurity; restrictions on access and protracted displacement in transitional shelters or among family and friends. Populations affected by multiple triggers of displacement also present with acute psychosocial needs. Displaced people who live with friends and relatives may fail to register with government and humanitarian actors and as a consequence struggle to access assistance and protection-oriented support. When such hosting arrangements become protracted, IDPs' and host families' coping capacities may be undermined. Some IDPs, including those concerned about being perceived as affiliated with non-State groups are also hesitant to provide information to authorities and struggle to access available services.

Media attention, solidarity and agency

Media coverage of disasters and their impacts is prominent in the Philippines, although such attention can cease abruptly once the immediate emergency ends. Informants suggested that media attention and public sentiments of solidarity influence government responses as government actors seek to maintain a strong public image. However, shifts in media coverage of disasters do not necessarily mean the needs of disaster-affected and displaced populations have dramatically decreased. Media coverage offers opportunities for advocacy on disaster-related needs, but can also foster misconceptions regarding the scope of disasters and available resources and capacity. In contrast, mainstream media coverage of displacement associated with conflict was reportedly less prevalent. Equally, informants explained that there are strong

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[90] Informant interview on file with the author.
[91] "The Philippines' Marawi City remains wrecked nearly 2 years after ISIS war" (Julie McCarthy, 2019). Available from *https://www.npr.org/2019/06/12/731218264/the-philippines-marawi-city-remains-wrecked-nearly-2-years-after-isis-war?t=1603112404545* (accessed October 2020); Informant interview on file with the author.
[92] However, it should be noted that multiple displacements such as this are not necessarily a common occurrence in Marawi or Zamboanga. Correspondence on file with the author.
[93] See also, "Philippines: Amid floods and armed conflict, a safer space for students in Pagatin" (ICRC, 2020). Available from https://www.icrc.org/en/document/amid-floods-and-armed-conflict-safer-space-students-pagatin (accessed: February 2021).
[94] Informant interview on file with the author.

solidarity mechanisms among Filipinos, which are fundamental to supporting disaster-affected populations.

5.2. Practice insights on law and policy

Other legal instruments to address IDP issues

While the Philippines has not adopted a specific IDP law, there are instruments that guide protection-sensitive operational responses towards specific categories of IDPs. For example, the Indigenous Peoples' Rights Act (RA 8371) and the Magna Carta of Women (RA 9710) are relevant to IDPs,[95] as are the two legal instruments related to children (discussed in section 2). RA 11188 and RA 10821 have been the subjects of concerted activities to build capacity and foster institutionalization and countrywide implementation. Informants also noted differences between these two legal frameworks and their implementation in practice, highlighting in particular the lack of "test" cases to address accountability and regulate the behaviour of State- and non-State armed actors. The fact that two separate instruments on protecting children have been adopted, however, one addressing protection in situations of armed conflict (RA 11188) and another addressing protection and relief in situations of disasters and emergencies (RA 10821) arguably reflects the lens through which policymakers and practitioners view the context in the Philippines – as two distinct dimensions to be addressed separately.

Operational and coordination plans pursuant to the Philippine Disaster Risk Reduction and Management Act of 2010 and reforms

Under the existing framework and pursuant to the Philippine Disaster Risk Reduction and Management Act of 2010 and its NDRRMF, several specific operational and coordination plans have been developed. The Philippine Disaster Risk Reduction and Management Act of 2010 explicitly requires the development of a National Disaster Risk Reduction and Management Plan (NDRRMP) that sets out objectives and actions for reducing disaster risks.[96] The 2011–2028 NDRRMP is the overarching, multi-hazard plan. It covers four thematic areas, including: (1) disaster prevention and mitigation; (2) disaster preparedness; (3) disaster response; and (4) disaster rehabilitation and recovery.[97] Subsequently, several hazard-specific response action plans known as National Disaster Response Plans (NDRPs) have also been developed: one on earthquakes and tsunamis, another on hydro-meteorological hazards and a further plan on consequence management for terrorism-related incidents.[98] The latter document focuses on

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[95] *Republic Act No. 8371: An Act To Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefor, and for Other Purposes* (The Philippines, 1997). Available from https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/ (accessed September 2020); *Republic Act no. 9710: An act Providing For The Magna Carta of Women* (The Philippines, 2009) https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/ (accessed September 2020).

[96] See footnote 31, sections 9(b) and 3(z).

[97] "National Disaster Risk Reduction and Management Plan (NDRRMP): 2011–2028" (The Philippines, National Disaster Risk Reduction and Management Council, 2011). Available from http://www.ndrrmc.gov.ph/2-uncategorised/1980-national-disaster-risk-reduction-and-management-plan (accessed September 2020).

[98] "National Disaster Response Plan (NDRP) for Earthquake & Tsunami" (The Philippines, National Disaster Risk Reduction and Management Council, 2015). Available from http://www.ndrrmc.gov.ph/13-disaster-risk-reduction-and-management-laws/3621-national-disaster-response-plan-ndrp-earthquake-and-tsunami (accessed September 2020); National Disaster Response Plan (NDRP) for Hydro-Meteorological Hazards version 2" (The Philippines, National Disaster Risk Reduction and Management Council, 2016). Available from http://www.ndrrmc.gov.ph/attachments/NDRP/NDRP_for_Hydro-Met_2018.pdf (accessed September 2020); "National Disaster Response Plan (NDRP): Consequence Management for Terrorism-related Incidents" (The Philippines, National

"human-induced hazards such as crimes and terrorism" and recognizes the prevalence of complex emergencies that are characterized by "increasing frequency, magnitude and scope of disasters, as well as blurring of divisions between the disasters caused by natural and human-induced hazards."[99] These documents explicitly reference IDPs and displacement. There are efforts to revise the Disaster Risk Reduction and Management Act of 2010. Deliberations have stressed the need to incorporate stronger provisions on IDPs, including on durable solutions.

Limitations in the existing framework

Notwithstanding the Philippine Disaster Risk Reduction and Management Act of 2010, its subsidiary documents and the complementary instruments on children, women and indigenous communities noted above, addressing IDP protection and assistance in the absence of an IDP-specific law or policy was reportedly challenging. Gaps and concerns relate to a wide range of themes, including the lack of a rights-based and protection-sensitive architecture, which in turn affects operational responses, and insufficient rights-sensitive indicators and assessments. Understanding of protection imperatives, needs and relevant indicators among responders was highlighted as a notable gap, although there may be relatively more awareness of protection dimensions, as they relate to women and children. Protection is sometimes understood to be limited to physical security. Other gaps include accountability and penalties; access to information for IDPs; limited concern regarding IDP engagement, consultation and participation, including on solutions and compensation; and recognition and understanding of the concepts, opportunities and actions necessary to achieve durable solutions.

Informants noted that an IDP-specific law has the potential to provide predictable and more effective responses and better reflect the obligations of duty bearers and foster accountability. Addressing funding allocations were also noted as necessary to facilitate timely action and mitigate any subsequent need for high-level deliberations. An IDP-specific law would complement the Philippine Disaster Risk Reduction and Management Act of 2010 by ensuring protection-sensitive considerations applicable to disaster- and conflict-affected IDPs are adequately incorporated into a legal framework (and would also provide scope for capturing forms of internal displacement unrelated to these triggers). An IDP-specific framework provides overarching standards and highlights factors that should be addressed on the ground. IDPs have limited understanding of their rights, including their ability to seek assistance and support from outside their municipality or provinces of origin. An IDP-specific law provides a basis for advocacy, developing detailed operational guidance, and promoting capacity-building for responders and IDPs on key dimensions of IDP rights and needs. It also has the capacity to mitigate the need for *ad hoc* responses, which can undermine preparedness and planning on mitigation, responses and solutions. Overall, informants explained that an IDP-specific law is required to engender a rights-based approach to addressing internal displacement; clarify key concepts including in relation to solutions; ensure duty bearers are accountable; empower IDPs and communities to understand and advocate for their rights; and mainstream and enhance programmes for IDP protection, assistance and solutions across government agencies.

Legal frameworks in the Bangsamoro Autonomous Region in Muslim Mindanao

Disaster Risk Reduction and Management Council, n.d.). Available from https://www.ndrrmc.gov.ph/attachments/article/3031/NDRP_Consequence_Management_for_Terrorism_related_Incidents.pdf (accessed September 2020).
[99] Ibid., p. 3.

A legal framework related to IDP protection is also taking a foothold in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). A specific bill on IDPs has been presented to the BARMM legislature and the parliament has also passed a resolution supporting a children's declaration[100] In addition, efforts are also under way to develop advocacy plans and build capacity.[101]

5.3. Practice insights on institutional structures and coordination architecture

Local government units as first responders in conflict and disaster situations

As is apparent from the preceding discussions, vertical coordination structures are embedded in the Philippine Disaster Risk Reduction and Management Act of 2010. The act indicates that local government units (LGUs) are first responders and highlights the responsibilities of national, regional-, provincial and municipal-level coordination bodies when a given situation exceeds the capacity of local-level actors. Responsibilities of national and regional actors include the "augmentation or assumption of response functions to disaster-affected LGUs."[102] In this context, in general LGUs are primarily responsible for responding to the needs of IDPs, regardless of the trigger for displacement and therefore, LGUs respond in both disaster and conflict situations, unless their capacity is exceeded. For this reason, the protection and assistance that displaced populations receive varies, as financial, resource and technical capacity affect the efficacy of responses. National actors such as the Department of Social Welfare and Development monitor local- and regional-level responses to determine whether augmentation or assumption is necessary.

Political leanings and influence have undermined the robustness of some LGU responses. For example, informants noted that in situations where *rido* has involved families with political influence, access and the assistance provided to affected and displaced populations have been affected by political leanings. Political incentives, including historical voting patterns, may mean that LGUs prioritize certain constituents. Complications also tend to arise if IDPs from different "communities", provinces or regions require support, as there can be a tendency to prioritize displaced constituents originating or habitually living in a given area. "Sea travellers", for example, have been affected by such predicaments.

Humanitarian actors provide support to LGUs when local authorities make requests for assistance and supplement the provision of services to affected and displaced populations. Similarly, non-governmental organizations (NGOs) also play a crucial role in the provision of services. Sensitization on protection-related needs and priorities are incorporated into these activities.

Coordination and the cluster system

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[100] *Resolution No: 48: Resolution Giving Full Support to the Bangsamoro Children's Declaration in Commemoration of the 30th Anniversary of the Adoption of the United Nations Convention on the Rights of the Child* (The Philippines, Bangsamoro Autonomous Region in Muslim Mindanao, 2019). Available from https://parliament.bangsamoro.gov.ph/mis-content/uploads/2019/12/Resolution-48.pdf (accessed February 2021).
[101] Informant interview on file with the author; it was not possible to obtain further information from specific actors within BARMM.
[102] Philippines National Disaster Risk Reduction and Management Council, *NDRRMC Memorandum No. 22, s, 2017,* 2 February 2017, on file with the author.

Horizontal coordination on responses is embedded in a national cluster system, adopted in 2007 and refined based on experience.[103] The cluster system has been used throughout the country, including in disaster and conflict situations.[104] Details of the system, and any variations that apply in the context of earthquakes and tsunamis, hydro-meteorological hazards and terrorism-related situations can be gleaned from the NDRPs. They prescribe how augmentation and assumption activities should be conducted, identify roles and responsibilities of organizations for emergency preparedness and response and identify roles and functions during the emergency phase. The NDRPs also adopt the cluster approach system as well as a so-called "Incident Command System."[105]

In essence, the cluster system is "the aggregation of responding government agencies, humanitarian organizations, faith-based organizations, private and civil society organizations, including volunteers according to their specific line of services or expertise during emergency response."[106] The system defines the roles and responsibilities of each of the 11 clusters towards a more systematic delivery of response and services and is intended to facilitate leadership, predictability and accountability.[107]

The Department of Social Welfare and Development – the Vice-Chair under the NDRRMC for disaster response – oversees the nation's response efforts. It leads the cluster on IDPs (Protection), as well as the Camp Coordination and Camp Management and Food and Non-Food Items clusters. The Department of Social Welfare and Development has developed many operational instruments to address IDP protection. The Department of Health is the cluster lead on health and has subclusters related to medical and public health services; water, sanitation and hygiene; mental health and psychosocial support; and nutrition. Under the two legal instruments related to children (RA 11188 and RA 10821 discussed in section 2), the Department of Social Welfare and Development is the key protection actor. As this discussion demonstrates, the key institutions and bodies noted in the Philippine Disaster Risk Reduction and Management Act of 2010 are responsible for addressing IDP protection and assistance.

The Department of Human Settlements and Urban Development and the National Housing Authority also play a key role in addressing land, housing and shelter needs for IDPs and are part of the national cluster system. Nonetheless – and as elaborated in the paragraphs that follow – conflict and disaster situations are not necessarily integrated for the purposes of addressing internal displacement. In certain situations, the government has also created *ad hoc* structures. For example, in the context of the 2017 Marawi, the government created an *ad hoc* task force, to operationalize necessary responses and solutions.

Government responses, military involvement and engagement with IOs

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[103] "National Disaster Response Plan (NDRP) for Earthquake and Tsunami" (The Philippines, National Disaster Risk Reduction and Management Council, 2015). Available from http://www.ndrrmc.gov.ph/13-disaster-risk-reduction-and-management-laws/3621-national-disaster-response-plan-ndrp-earthquake-and-tsunami (accessed September 2020), footnote 98, p. 28.
[104] Ibid.
[105] See footnote 102.
[106] "National Disaster Response Plan (NDRP) for Earthquake and Tsunami" (The Philippines, National Disaster Risk Reduction and Management Council, 2015). Available from http://www.ndrrmc.gov.ph/13-disaster-risk-reduction-and-management-laws/3621-national-disaster-response-plan-ndrp-earthquake-and-tsunami (accessed September 2020), footnote 98, p. 28.
[107] Ibid.

Government responsiveness is more robust during the emergency phase of disasters, although responses vary based on geographical location, LGU capacity and supplementary support from national and international humanitarian actors. Requests for support from international humanitarian actors are common at the local and regional levels. As reflected in the earlier discussion on access, informants suggested government responses in conflict contexts are influenced to a greater extent by politics as compared to response in disaster contexts. In conflict contexts, humanitarian responses are subject to broader political considerations related to security, terrorism and peace, among other things.

The military is an important actor in the Philippines and is involved in the large-scale evacuation of people, among other things. The involvement of military personnel in civilian-related operations, particularly in the context of disasters, can present challenges such as sensitization on rights violations and key principles of impartiality and neutrality. In some contexts, challenges also arise in determining whether evacuation measures relate to hazard-related risks or other considerations. In general, responses are more cautious towards populations affected or displaced by conflict, especially when sanctioned non-State armed actors are involved.

Responses in the Bangsamoro Autonomous Region in Muslim Mindanao

Much like the legal framework, structures for responses in BARMM differ from the rest of the country, and there may be greater engagement and involvement of humanitarian actors. In BARMM, a protection Working Group is co-led by the Ministry of Social Services and Development and United Nations High Commissioner for Refugees (UNHCR). In 2019, BARMM also launched a new emergency and disaster response office – the Rapid Emergency Action on Disaster Incidence (READi-BARMM), which replaced the disaster response office previously known as ARMM Humanitarian Emergency Action Response Team (ARMM-HEART).[108]

Contingency planning for disaster and conflict

The government of the Philippines has endeavoured to improve preparedness in relation to disaster. This is reflected in efforts to better model and collect data and to disaggregate pertinent information.[109] The government has worked on supporting early evacuation options. Efforts are being made to pre-register populations, including vulnerable households in areas of high risk and exposure, and to use such information to plan ahead, create contingency plans, develop safety nets, stockpile, prepare evacuation centres and identify programmes for mitigation and rehabilitation. These types of effort help to facilitate better protection and assistance and are "activated" in emergency contexts. However, such contingency and preparatory activities also depend on the technical and resource capacities of LGUs, and financial allocations. Some informants noted the benefits of capacity-building on these dimensions, including supporting LGUs to develop better DRM plans and move beyond interventions focused on stockpiling and infrastructure accumulation. By contrast, knowledge on the activities undertaken to address conflict prevention was limited, although the importance of trust and access through gatekeepers were highlighted.

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[108] "BARMM launches new emergency response office" (Bangsamoro Autonomous Region in Muslim Mindanao, 2019). Available from https://bangsamoro.gov.ph/news/latest-news/barmm-launches-new-emergency-response-office/ (accessed October 2020).
[109] See Philippines: Disaster displacement data from preparedness to recovery (GP20, 2020). Available from https://www.globalprotectioncluster.org/wp-content/uploads/philippines_DDDPR.pdf (accessed January 2021).

Budgetary allocation and decisions

Informants highlighted challenges related to budgetary allocations and the timeliness of funding availability to address disaster preparedness and response. Budgetary decisions are taken at the local level and therefore the prioritization of preparedness and response differs throughout the country. Furthermore, some informants implied that using calamity funds to address pre-emptive displacements has presented complications.

End to relief, co-existing needs and durable solutions

In the context of disaster response, there can be a tendency to signal a relatively quick end to relief activities, following the more immediate emergency response. In certain situations, however, major relief needs may continue and signalling an end to emergency needs may be at odds with the reality on the ground. For some IDPs, relief needs may coexist with recovery and rehabilitation needs, compounding the vulnerability of those "forgotten" populations who subsequently end up in protracted displacement. The predominant focus on addressing emergency needs in the context of recurrent and cyclical disasters, conflict and violence has meant less attention and resources for medium-to-long-term rebuilding, recovery and rehabilitation.

In general, the emergency phase in disaster contexts can be shorter than in the context of conflicts such as the Marawi siege. Volatility and uncertainty in security conditions and restrictions on access also undermine opportunities for recovery efforts. Populations displaced by conflict who are unable or unwilling to return to places of origin live "make-shift lives in host communities" or transitional arrangements.[110] For example, notable numbers of IDPs remained in a protracted predicament having fled in the context of the Marawi siege in 2017.[111] A variety of factors related to peace processes and negotiations and national security must also be considered, which makes durable solutions for conflict-affected populations more complex.

In disaster contexts, return is often the dominant "solution", particularly if areas of origin are accessible. IDPs who return in the aftermath of disasters may continue to have needs associated with their displacement. When there is damage to and destruction of infrastructure, including housing, displacement in disaster contexts may also become protracted and delay return or relocation. The availability of land, and access, impede timely relocation. These dynamics can promote unintended dependencies.

The lack of a clear framework for durable solutions, including for IDPs in protracted predicaments, is reportedly "a perennial problem", despite informants recognizing that the breadth and scale of disasters requires constant engagement and emergency responsiveness at the national level.[112] As noted earlier, informants highlighted that solutions could be addressed through an IDP-specific law. This means responsibility for addressing durable solutions for IDPs, including those in protracted displacement, falls to LGUs whose responses are tempered by

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[110] Informant interview on file with the author.
[111] See also "Philippines: Solutions still a distant prospect in Marawi, one year on" (Internal Displacement Monitoring Centre, 2019). Available from https://www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID-spotlight-philippines.pdf (accessed October 2020).
[112] Informant interview on file with the author.

resource, technical and financial capacity and political will. Such variations mean that local-level advocacy and monitoring are essential.

Humanitarian actors and engagement

There are a plethora of domestic humanitarian and NGO bodies that support disaster- and conflict-related activities and responses in the Philippines. International humanitarian actors are also present in the Philippines, although their engagement has perhaps been more sensitive since Typhoon Haiyan (known in the Philippines as "Super Typhoon Yolanda") occurred in 2013. Some clusters, including the Child Protection, Gender-based Violence and Emergency Shelter clusters, continue to operate in the country in both conflict and disaster contexts.[113] The cluster leads within the humanitarian architecture have counterparts within the Government cluster system. In general, the provision of humanitarian support is less complicated in disaster contexts, whereas requests for support are less frequent in conflict situations. As such and in general, most international humanitarian actors are engaged in disaster situations, and fewer actors work in both contexts. The Marawi siege in 2017 was perhaps an exception.

Conflict sensitivity

When supporting affected populations, including those who are displaced in countries affected by both conflict and disaster, "conflict sensitivity" is fundamental. This means any standardized approaches must be tailored to understand the diversity of conflict and violence-related triggers and needs, as well as political (and military) dynamics and agendas to ensure interventions do not escalate insecurity. The need for targeted and conflict-sensitive interventions applies in disaster, conflict and overlapping situations, especially in Mindanao.

6. Interviews and acknowledgements

Fourteen remote interviews were conducted with a total of 19 key informants between March 2020 and October 2020 to gain insights on recent developments and practice. The informants were based in the Philippines.

Organization	Number of Interviewees
Disaster Response Management Bureau within the Department of Social Welfare and Development	2
International Federation of Red Cross and Red Crescent Societies (IFRC)	2
International Organization for Migration (IOM)	2
United Nations Office for the Coordination of Humanitarian Affairs (OCHA)	1
Other Civil Society	2
Philippines Commission on Human Rights	2
Philippine Red Cross	2

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[113] "Humanitarian response: Philippines" (OCHA, n.d.). Available from https://www.humanitarianresponse.info/en/operations/philippines (accessed October 2020).

Marawi City Social Welfare and Development Office	1
United Nations High Commissioner for Refugees (UNHCR)	3
United Nations Children's Fund (UNICEF)	2

Annex 6: Somalia case study

1. Conflict, disaster and displacement dynamics

Year	New disaster displacement	New conflict displacement	Conflict displacement stock[1]
2014	36,000	89,000	1,107,000
2015	59,000	90,000	1,223,000
2016	70,000	113,000	1,107,000
2017	899,000	388,000	8,25,000
2018	547,000	578,000	2,648,000
2019	479,000	188,000	2,648,000

For decades, Somalis have faced armed conflict, violence and human rights violations.[2] Clan conflicts, and fighting involving Al-Shabaab, other armed groups, international actors, foreign governments, and Somalia's Armed Forces have compounded the State's fragility, undermining governance and institutional structures. In this context, large-scale internal displacement has become a common feature of the Somali landscape. In 2018, more than 578,000 new internal displacements associated with conflict and violence were reported. According to the Internal Displacement Monitoring Centre (IDMC), this figure was the highest yearly total of any year during the preceding decade.[3] In 2019, new displacement associated with conflict and violence was estimated at 188,000, with the majority reported in Lower Shabelle, an Al-Shabaab stronghold.[4]

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[1] As with all the internally displaced person (IDP) data used in this study, these figures are taken from the Internal Displacement Monitoring Centre (IDMC) Global Internal Displacement Database, which is available from https://www.internal-displacement.org/database (accessed September 2020). For more information on IDMC's calculations and methodology, see What's behind our data (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/somalia (accessed November 2020). IDMC explains that the United Nations High Commissioner for Refugees (UNHCR), REACH and the International Organization for Migration (IOM) all collect data on internal displacement in Somalia. In particular, the UNHCR-led Protection and Return Monitoring Network (PRMN) collects data on voluntary and forced displacement as well as return, an endeavour which is supported by the Norwegian Refugee Council (NRC), working with 39 local partners in the field. IDMC also notes, however, that methodological and conceptual challenges affect the data set and that there are ongoing efforts to tackle them. For more information on PRMN data, see "Somalia internal displacement" (UNCHR, n.d.). Available from https://unhcr.github.io/dataviz-somalia-prmn/index.html#reason=&month=&need=&pregion=&pdistrictmap=&cregion=&cdistrictmap=&year=2020 (accessed November 2020). For further information on UNHCR's methodology, see "Methodology" (UNHCR, n.d.). Available from https://data2.unhcr.org/en/documents/details/53888. IOM assesses displaced populations in approximately half of Somalia, with its monitoring activities beginning in 2016, while REACH focuses its assessments on urban areas. See "Somalia: displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from https://www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20%E2%80%93%20Conflict%20Figure%20Analysis%20%E2%80%93%20SOMALIA.pdf (accessed November 2020).

[2] For general background on Somalia and displacement see "Country information: Philippines" (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/somalia (accessed June 2020). See also the range of reports available from this web page for further information.

[3] IDMC's 2018 estimates for new internal displacement associated with conflict and violence appears to have included people who were evicted. For instance, IDMC reports that evictions from urban centres – mainly of internally displaced persons (IDPs) – accounted for 44 per cent of these new internal displacements. "Global report on internal displacement 2019" (IDMC, 2019). Available from https://www.internal-displacement.org/global-report/grid2019/ (accessed November 2020), p. 9. Other reasons include tensions between Somaliland and Puntland and clashes between government forces and Al-Shabaab.

[4] During 2019, evictions remained a key trigger of displacement. Unlike the total estimate of new displacement associated with conflict and violence for 2018 however, forced evictions affecting over 264,999 people (most of whom were IDPs) were not added to the 2019 estimate of new displacement associated with conflict and violence. "Somalia: displacement associated with conflict and violence: Figure analysis – GRID 2020" (IDMC, 2020). Available from https://www.internal-displacement.org/sites/default/files/2020-04/GRID%202020%20%20%E2%80%93%20Conflict%20Figure%20Analysis%20%E2%80%93%20SOMALIA.pdf (accessed November 2020). See also footnote 1.

Many Somalis also face recurrent droughts, flash and riverine floods, including along the riverbanks of the Shabelle and Juba rivers,[5] and severe storms, among other natural hazards. Floods also strike areas previously affected by drought.[6] Estimates from IDMC for 2018 indicate that there were 547,000 new displacements associated with disasters. Floods triggered 289,000 new displacements – slightly over half of the total displacement in that year.[7] Another 249,000 people were displaced in the context of drought in the southern regions of Somalia, when people moved in search of water and livelihood opportunities.[8] Similarly, in 2019, disasters were identified as dominant trigger for the new displacement of close to half a million people. Flooding stemming from a particularly wet rainy season also accounted for a significant portion of displacement.[9] In previous years, droughts have been a dominant trigger of new displacement associated with disasters. For instance, in 2017, almost 900,000 new displacements were associated with drought.[10] The above table shows that between 2014 and 2019 on average the scale of new internal displacement associated with disasters was higher than the average for conflict and violence.

In parts of Somalia, including in the southern and central regions, displacement has occurred due to interlinked and overlapping drivers and triggers, such as conflict and violence, and disasters associated with droughts or floods.[11] Droughts have combined with conflict, military offensives and Al-Shabaab's interventions, inter alia, to create severe food insecurity or famine and compel movements.[12] While IDMC provides discrete displacement estimates for conflict and violence and for disaster, it acknowledges that the reality is more complex as triggers (and other factors) combine and converge to drive displacement, aggravate impacts and deepen conditions of vulnerability.[13] For example, having compiled its first estimates of new displacement associated with drought for Somalia in 2017, IDMC notes "it was difficult to distinguish between

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[5] "Somalia: 2019 Floods Impact and Needs Assessment" (Somalia, Ministry of Humanitarian Affairs and Disaster Management, 2020). Available from http://documents1.worldbank.org/curated/en/764681585029507635/pdf/Somalia-2019-Floods-Impact-and-Needs-Assessment.pdf (accessed January 2021); "Flood response plan Somalia" (OCHA, 2020). Available from https://reliefweb.int/report/somalia/somalia-flood-response-plan-june-2020 (accessed January 2021); For further details on impacts, and previous droughts see also "Somalia Drought Impact & Needs Assessment: Volume I Synthesis Report" (Somalia, Ministry of Planning, Investment and Economic Development, n.d.). Available from https://www.gfdrr.org/sites/default/files/publication/GSURR_Somalia%20DINA%20Report_Volume%20I_180116_Lowres_0.pdf (accessed January 2021).

[6] See, for example "Africa report on internal displacement" (IDMC, 2019). Available from https://www.internal-displacement.org/africa-report (accessed November 2020), pp. 20 and 32.

[7] See footnote 3 (IDMC, 2019), p. 10.

[8] Ibid.

[9] "Rainy season Horn of Africa: figure analysis – displacement related to disasters" (IDMC, 2019). Available from https://www.internal-displacement.org/sites/default/files/inline-files/GRID-2019-Disasters-Figure-Analysis-HoA-Rainy-Season.pdf (accessed November 2020).

[10] "Global report on internal displacement 2018" (IDMC, 2018). Available from https://www.internal-displacement.org/global-report/grid2018/downloads/2018-GRID.pdf (accessed January 2021), p. 52. For further details on impacts, and previous droughts see also footnote 5 (Somalia, Ministry of Planning, Investment and Economic Development, n.d.).

[11] See, for example footnote 6 (IDMC, 2019) p. 32; "City of flight: new and secondary displacements in Mogadishu, Somalia" (IDMC, 2018). Available from https://www.internal-displacement.org/sites/default/files/inline-files/201811-urban-displacement-mogadishu.pdf (accessed November 2020).

[12] See, for example, "In harm's way: international protection in the context of nexus dynamics between conflict or violence and disaster or climate change" (Sanjula Weerasinghe, 2018). Available from https://www.unhcr.org/5c1ba88d4.pdf (accessed November 2020), pp. 36–38.

[13] Footnote 6 (IDMC, 2019), pp. 20; 32; 33. IDMC also notes that slow and sudden-onset hazards have increased competition for resources in rural areas, including already scarce agricultural land and pasture for livestock, which in turn has aggravated clan conflicts and compelled urban displacement (see footnote 11 (IDMC, 2018), p. 2).

displacements triggered by drought and other factors as well as to distinguish between forced movements and seasonal migration."[14]

In light of this complexity, and historical and evolving dynamics between conflict, violence and disasters, internally displaced persons (IDPs) in Somalia may fall into a number of different categories. For instance, some IDPs may have been displaced solely in the context of conflict and violence such as in Al-Shabaab controlled areas of South and Central Somalia, whereas others may have been displaced solely in the context of disasters such as floods or drought in parts of Puntland or Somaliland which are unaffected by conflict. Yet others may have been displacement in the context of conflict, violence and disasters, such as drought-affected populations fleeing from Al-Shabaab controlled areas or people displaced due to floods following years enduring the repercussions of conflict and violence.

Some IDPs also experience multiple internal displacements, which are not uncommon and a range of triggers may displace people over time.[15] For example, floods may strike sites where IDPs are sheltering, particularly when such sites are established on less desirable and hazard-prone fringes, or areas that have already been affected by drought or conflict.[16] Equally the same type of triggers such as recurrent floods, droughts or confrontation may be the source of secondary displacements. Forced evictions have also resulted in the secondary displacement of significant numbers of IDPs, irrespective of the trigger(s) that compelled their initial flight.[17]

Internal displacement has previously contributed to rapid urbanization in Somalia and continues to do so, with many rural populations fleeing to cities and peri-urban areas.[18] Large concentrations of IDPs are hosted in Mogadishu, Baidoa and Kismayo. Somali returnees (people who have crossed borders into other countries such as Ethiopia and Kenya) may also return to situations of internal displacement in urban areas.[19] Understanding of these dynamics is complicated by limited data on the trajectory and situation of returnees.[20]

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[14] Footnote 6 (IDMC, 2019), p. 47. IDMC also explains that the "convergence of disasters and conflict and the role it plays in generating displacement becomes more complex still when slow-onset events such as drought, climate change impacts and environmental degradation are considered. Such hazards only add to the myriad of factors that drive conflict and violence, the decline of livelihoods and ultimately displacement. Distinguishing between forced and voluntary movements and identifying push and pull factors in slow-onset situations also tends to be more difficult, because cyclical rural-to-urban migration is often a poverty-reduction strategy not necessarily related to the effects of slow-onset events and conflict" (p. 32). See also footnote 10 (IDMC, 2018).

[15] See for example, "Humanitarian needs overview: Somalia" (United Nations Office for the Coordination of Humanitarian Affairs [UNOCHA], 2019). Available from https://reliefweb.int/sites/reliefweb.int/files/resources/2020%20Somalia%20Humanitarian%20Needs%20Overview.pdf (accessed November 2020); "Humanitarian response plan: Somalia" (OCHA, 2020). Available from https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/somalia_2019_hrp_final.pdf (accessed November 2020); Human Rights Council, "Report of the Representative of the Secretary-General on the human rights of internally displaced persons" (Walter Kälin, 2010). A/HRC/13/21/Add.2. Available from https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/103/96/PDF/G1010396.pdf?OpenElement (accessed November 2020); See also Durable Solutions Initiative Mission Reports by Walter Kälin, on file with the author.

[16] See for example, footnote 5 (Somalia, Ministry of Humanitarian Affairs and Disaster Management, 2020) and (OCHA, 2020); footnote 6 (IDMC, 2019), pp. 32 and 51. IDMC also notes that "Regardless of the trigger, the impacts of displacement often result in further movements, which traps those affected in a vicious circle of vulnerability and risk" (p. 32). See also in footnote 11 IDMC (2018), p. 4.

[17] See for example, footnotes 3 and 4 and 6.

[18] See, for example, footnote 15 (OCHA, 2020) and footnote 11 (IDMC, 2018). See also, Somalia (IDMC, n.d.). Available from https://www.internal-displacement.org/countries/somalia (accessed November 2020).

[19] See, for example, footnote 6 (IDMC, 2019), p.37 and footnote 15 (OCHA, 2020). See also Durable Solutions Initiative Mission Reports by Walter Kälin, on file with the author.

[20] Footnote 19 (IDMC, 2019) pp. 8 and 18.

At the end of 2018, according to IDMC's estimates, over 2.6 million people were living in internal displacement in Somalia due to conflict and violence.[21] For the end of 2019, IDMC reports the same figure, and it appears that the estimate was not updated.[22] In addition, IDMC indicates that this data was "not clearly disaggregated by cause of displacement [and therefore], the figure included people displaced by both conflict and disasters".[23] IDPs were living across 2,000 sites, the majority of which were informal settlements on private land in urban areas.[24] Long-standing conflict and violence has meant that many Somalis have remained in protracted predicaments. The impacts of recurrent droughts also affect opportunities for pastoralist, agro-pastoralists and other populations to resume pre-existing livelihoods practices.[25] Sustainable return has been hindered by ongoing conflict, insecurity and limited investment in infrastructure and services in rural areas, while evictions, insufficient land for permanent settlement, competing property claims and lack of clarity regarding land ownership undermine local integration and settlement in new locations.[26]

2. IDP-specific laws and policies

Somalia became the thirtieth African Union Member State to ratify the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in November 2019.[27] In March 2020, Somalia deposited its instrument of ratification with the African Union.[28] Further to the commitment under the Kampala Convention, the adoption of a draft Federal Protection and Assistance for Internally Displaced Persons (IDP) Act is a work in progress and has undergone extensive consultation. The draft Act was reviewed and submitted to the Ministry of Interior and Ministry of Justice for legal guidance before it was approved by the Council of Ministers in February 2021.[29] The instrument is with the National Assembly for adoption.[30] The advancement of this Act through legislative channels before its final endorsement is of priority, given the importance of such legislation for assistance, protection and solutions for internal displacement in Somalia. These developments built on previous efforts to establish a framework addressing internal displacement in Somalia that include the adoption of three policy frameworks relevant to assisting and protecting IDPs as described below.

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[21] Footnote 3 (IDMC, 2019), p. 48.
[22] "Global report on internal displacement 2020" (IDMC, 2020). Available from https://www.internal-displacement.org/global-report/grid2020/ (accessed November 2020), p. 11. Correspondence on file with the author.
[23] Ibid., p. 118.
[24] Footnote 15 (OCHA, 2020), p. 15. Correspondence indicates that there may be closer to 2,400 IDP sites as at the end of 2020.
[25] Footnote 5 (Somalia, Ministry of Planning, Investment and Economic Development, n.d.).
[26] "Breaking the impasse: Reducing protracted internal displacement as a collective outcome" (Walter Kälin and Entwisle Chapuisat, 2017). Available from https://www.unocha.org/sites/unocha/files/Breaking-the-impasse.pdf (accessed September 2020), annex I, section IV.
[27] "UNHCR welcomes Somalia's ratification of the Kampala Convention" (UNHCR, 2019). Available from https://www.unhcr.org/news/press/2019/11/5dde4fb04/unhcr-welcomes-somalias-ratification-kampala-convention.html (accessed November 2020).
[28] "The IDP-Initiative: Quarterly Update December 2020" (UNHCR, 2020). Available from https://reporting.unhcr.org/sites/default/files/IDP-Initiative%20Quarterly%20Update%20December%202020_1.pdf (accessed January 2021).
[29] Correspondence on file with the author.
[30] Ibid.

National Policy on Refugee-Returnees and Internally Displaced Persons (2019)

In November 2019, Somalia adopted a National Policy on Refugee-Returnees and Internally Displaced Persons (NPRRI).[31] It formulates "guiding principles" for government, international, local, non-governmental and other actors who are assisting refugee-returnees and IDPs inside Somalia and roles and responsibilities.[32] The NPRRI contains rights-based language and references international human rights and humanitarian law. It also cross-references the 1998 Guiding Principles on Internal Displacement and the 2009 Kampala Convention in a chapter that highlights national and international instruments underpinning the policy.[33] The section also explains that in "the practice and implementation of [the] policy, national, regional and local authorities should abide by [such instruments]".[34] The NPRRI comprises five substantive chapters covering a vision, objectives and scope; guiding principles; durable solutions; roles and responsibilities; and implementation. The discussion in the proceeding paragraphs highlights notable references or distinctions between conflict and disaster-related internal displacement.

Objectives and scope of policy

The key objective of the NPRRI "is to ensure that all refugee-returnees and internally displaced persons (IDPs) enjoy full equality and obtain the same rights as those given to all citizens by the Somali National Constitution and all other laws of Somalia, as well as international humanitarian and human rights laws."[35] The policy aims to "protect persons of concern from further forced displacement, provide protection and assistance during displacement, and find a durable solution to their displacement."[36] The federal government commits itself to "as far as possible, protecting its people from any kind of displacement including arbitrary displacement, development-induced displacement, forced evictions and natural disasters".[37] The background discussion contextualizes conflict- and violence-induced flight since 1991 and "recurrent drought leading to famine and other precarious situations" which have "accelerated the displacement situation."[38]

The NPRRI's objectives include to:

> Provide a common basis and policy guidance to facilitate activities aimed at preventing new displacement or secondary displacement of refugee-returnees and IDPs, responding to the specific needs of refugee-returnees and [IDPs] by improving their living conditions and helping them to assert and enjoy their rights, and to overcome protracted displacement by identifying policy benchmarks and measures to create conditions conducive to solutions for refugee-returnees and IDPs.[39]

Another objective concerns strengthening the capacities of government institutions at the national and Federal Member State (FMS) levels, as well as within the Benadir Regional

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[31] Somalia, *National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)* (Somalia, National Legislative Bodies and National Authorities, 2019). Available from https://www.refworld.org/docid/5d8332c64.html (accessed November 2020).
[32] Ibid., chapter 1.
[33] Ibid., chapter 1.5.
[34] Ibid.
[35] Ibid., preamble.
[36] Ibid.
[37] Ibid., preamble (b).
[38] Ibid., preamble (background).
[39] Ibid., chapter 1.3(1).

Administration (BRA).[40] The NPRRI notes the lead role of the Federal Government of Somalia in designing policies, and the implementation roles of the FMSs, the BRA and local authorities in responding to the protection and assistance needs of IDPs.[41] In this context, durable solutions for IDPs must be incorporated within the priorities, strategies and policies of the Federal Government of Somalia, FMSs and the BRA.[42]

In chapter 1.4 on the scope and framework, the NPRRI emphasizes that it "[r]ecognizes all causes of internal displacement in Somalia, including armed conflict, insecurity, clan-based violence, and the impact of natural disasters and climate change, development projects and unlawful evictions."[43] It reiterates "the primary responsibility of all levels of government to provide assistance, long-term support and effective protection for IDPs in Somalia and to refugee-returnees, irrespective of the cause of their displacement" and where they reside.[44] In acknowledging the diversity of "causes", and the "complexity of the displacement situation in Somalia", the NPRRI recognizes "the need for joint, robust and effectively coordinated efforts".[45] It also recognizes that "the various patterns of internal displacement may require a diversity of solutions to be made available to […] IDPs, without distinction."[46]

Definition of "IDP"

As foreshadowed by the preceding discussion, the NPRRI's definition of an IDP covers both conflict and disasters. The definition explicitly references "armed conflict, clan-based or other forms of generalized violence and insecurity […] or natural or human-made disasters" as triggers for flight.[47] In addition, "pastoralists who have lost access to their traditional nomadic living space through loss of livestock, or loss of access to grazing and water points or markets, and have therefore left their habitual living space" are also captured within the IDP definition.[48] Moreover, the definition captures forced evictions and secondary displacement faced by refugee-returnees, and reinforces that people who fall within the definition are IDPs irrespective of the "cause and duration" of displacement.[49]

Other definitions

The NPRRI's definition of "unlawful displacement" explains that it is "[d]isplacement that contravenes either national law or international law and standards, including forced eviction consistent with […] Article 4(4) of the [Kampala Convention]".[50] However, this is the only

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[40] Ibid., chapter 1.3(2).
[41] Ibid., chapter 1.4 (8).
[42] Ibid., chapter 1.4 (11).
[43] Ibid., chapter 1.4 (1).
[44] Ibid., chapter 1.4 (5).
[45] Ibid., chapter 1.4 (6).
[46] Ibid., chapter 1.4 (4).
[47] Ibid., glossary of terms.
[48] Ibid.
[49] Ibid.
[50] Ibid. "Forced eviction" is also defined in the NPRRI as the "permanent or temporary removal against their will of individuals, families or communities from the homes or land that they occupy, without the provision of and access to appropriate forms of legal or other protection." Article 4(4) of the Kampala Convention lists prohibited categories of arbitrary displacement and covers situations of armed conflict, generalized violence and disasters. See African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention, 2009). Available from https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf (accessed November 2020). It does not, however, explicitly reference "forced eviction".

reference to "unlawful displacement" in the policy. The concepts of "vulnerability" or "vulnerable persons or groups" are also not defined in the policy.

Guiding principles of the policy

Eleven "guiding principles" are discussed in chapter 2 of the NPRRI, which are to be observed by all federal government institutions, FMS authorities, the BRA and local and international actors, including in the humanitarian and development spheres. The guiding principles are to be applied without distinction.[51] Principle 2 on protection against forced displacement discusses displacement that would violate the prohibition of forced displacement and explicitly notes policies relating to clan affiliation, displacement associated with armed conflict and forced evictions.[52] While disasters are not explicitly mentioned in principle 2, "displacement of populations from their houses and places of residence, unless the safety and health of those affected requires their evacuation" is prohibited.[53]

Principle 3 on protection during displacement contains explicit references to protection against violations of international humanitarian law, including types of harm that may occur during armed conflict and violence, such as the recruitment and use of refugee-returnee and IDP children.[54] Meanwhile, in Principle 11 on contingency plan and quick response, there are general provisions on preparing contingency plans for emergencies that trigger displacement to enable rapid response. The principle also requires "invest[ment] in joint cross-sectoral analysis and in early actions needed to facilitate durable solutions and resilience processes."[55] Emphasis is placed on area-based plans and joint analyses.[56] Principle 3 also explicitly states that all actors should "focus on developing adaptation strategies and longer term measures that can help communities cope with the impact of recurrent droughts and other natural disasters".[57]

As noted "vulnerability" is not defined in the NPRRI. However, Principle 7 on vulnerable persons and persons living with disabilities provides insight on how the policy interprets this term. For instance, emphasis is placed on certain categories of individuals, such as children, mothers, persons living with disabilities and the elderly who are entitled to protection and assistance as required by their condition.

Durable solutions: a road map towards ending displacement in Somalia

The chapter on durable solutions: a roadmap towards ending displacement in Somalia recognizes that ending displacement is a long and complex endeavour. It sets out a range of standards and processes and explains the types of durable solutions, including for pastoralists.[58] It requires authorities and other actors to "abstain from directly or indirectly compelling, undertaking, promoting or encouraging return or relocation to areas where the life, safety,

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[51] Ibid. chapter 2, principle 1.
[52] Ibid., chapter 2, principle 2, 2(2)(a), 2(2)(d) and 2(2)(f). The NPRRI does not use the term "arbitrary displacement" except as noted above in the preamble.
[53] Ibid., chapter 2, principle 2(2)(c).
[54] Ibid., chapter 2, principle 3(1)(e).
[55] Ibid., chapter 2, principle 11(1).
[56] Ibid., chapter 2, principle 11(3)(a).
[57] Ibid., chapter 2, principle 11(3)(b).
[58] Ibid., chapter 3.2(1).

liberty or health of refugee-returnees and IDPs would be at risk."[59] Equally, authorities and other relevant actors are to "support refugee-returnees and IDPs who are willing and able to return home spontaneously without promoting or inducing return to unsafe areas." Durable solutions are to be pursued first and foremost in the localities impacted by displacement and locally supported and they are also to be pursued in accordance with national-level documents, including the National Development Plan and the Recovery and Resilience Framework for Somalia (discussed in a later paragraph).[60]

Chapter 3.3 discusses conditions and support measures for durable solutions. In a list of factors pertinent to long-term safety and security and freedom of movement, the NPRRI mentions both conflict and disaster-related factors. For example, "security assessment of the general and security situation of target areas for refugee-returnee and IDP settlements, including disaster risk assessment, should be made before return and resettlement is considered".[61] In addition, "disaster risk reduction measures should be implemented in disaster-prone areas; and early warning systems must be developed and activated to trigger response before any future displacement."[62] The clearance of mines and unexploded ordinances are also explicitly referenced.[63] On achieving standards related to livelihoods, employment and social welfare schemes, the NPRRI lists the "establishment of safety nets and social assistance for social protection in areas where communities are or will be permanently or seasonally at risk from natural shocks".[64] The standards and processes discussed in chapter 3.3 also contain provisions that aim to address the needs of nomadic and pastoral communities and to identify solutions in rural areas, with a focus on agricultural and pastoral sectors.[65] In this context, there are references to drought, climatic conditions, and to ensuring the safe and free movement of pastoralists.[66]

National Action Plan and National Development Plan

Prior to the development of the NPRRI, the federal government drafted a National Action Plan ending in 2020. The NPRRI indicates that the plan will be reviewed and designed as one mechanism for implementation of the policy. Other mechanisms include the National Development Plan (discussed in a later paragraph).[67]

Other subregional IDP-specific policies

The NPRRI also "recognizes policies, strategies and action plans of the FMSs and the BRA related to refugee-returnees and IDPs, to the extent that they do not contradict this policy."[68] Other subregional policies specific to IDPs have also been adopted. These include the Banadir Regional Administration & Municipality of Mogadishu: Internally Displaced Person and Refugee

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[59] Ibid., chapter 3.2(3).
[60] Ibid., chapter 3.2(6) and 3.2(7).
[61] Ibid., chapter 3.3(1)(a).
[62] Ibid., chapter 3.3(1)(j).
[63] Ibid., chapter 3.3(1)(e).
[64] Ibid., chapter 3.3(4)(e).
[65] Ibid., chapter 3.3(3)(h) and 3.3(4).
[66] Ibid., chapter 3.3(4).
[67] Ibid., chapter 5.
[68] Ibid., chapter 4.2. The NPRRI also recognizes the right of FMSs and the BRA to set up technical district displacement solutions task forces to facilitate coordination and implementation of durable solutions projects at the local level.

Returnees Policy, the Puntland Policy Guidelines on Displacement, and the Somaliland Internal Displacement Policy.[69]

Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (2019)

Also in 2019, the Federal Government of Somalia adopted an Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (Interim Protocol).[70] Comprised of 17 articles, the Interim Protocol sets out eligibility, availability and allocation of land and assessment, determination and decision-making processes.[71] It also cross-references the Guiding Principles on Internal Displacement and the Kampala Convention as sources of fundamental rights and instruments ratified by Somalia.[72] The instrument does not provide a definition of "IDPs", but it does cross reference the NPRRI.[73] To be eligible to receive the benefits articulated in the instrument, an IDP must hold valid documentary proof of IDP status and not own land or a house.[74] Exceptions to these general criteria include inability to "return to their land or a house due to compelling reasons relating to the circumstances that resulted in his or her displacement in the first instance".[75] FMSs and the BRA are responsible for determining these and making decisions in coordination with the National Commission for Refugees and IDPs (NCRI) (discussed in a later paragraph), inter alia, including the verification of beneficiaries in accordance with the NPRRI.[76] The Interim Protocol does not explicitly mention disaster or conflict.

National Eviction Guidelines (2019)

National Eviction Guidelines were also adopted in 2019.[77] The instrument seeks to "make provision for the responsibility of the Federal Government [...] to refrain from, and protect against, arbitrary and forced evictions of occupiers of public and private properties, from homes, encampments and lands, to protect the human right to adequate housing and other related human rights."[78] Its scope includes to "address the human rights implications of evictions in urban and rural areas."[79] While the National Eviction Guidelines are articulated in general terms, they do discuss IDPs within the definitions section and IDPs are explicitly mentioned throughout

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[69] "The Benadir Regional Administration Policy for Internally Displaced Persons and Returnees in Mogadishu" (Somalia, Banadir Regional Administration & Municipality of Mogadishu, 2019). Available from https://www.refworld.org/pdfid/5cb4953e4.pdf (accessed November 2020); "Puntland policy guidelines on displacement" (Somalia, Puntland Government of Somalia, Ministry of Interior, Local Governments and Rural Development, 2014). Available from https://www.refworld.org/docid/5a7ae7884.html (accessed November 2020); and "Somaliland Internal Displacement Policy" (Republic of Somaliland, Ministry of Resettlement, Rehabilitation and Reconstruction, 2015). Available from https://www.refworld.org/docid/5a7aea3c4.html (accessed November 2020).

[70] "Somalia launches first policy on displaced persons, refugee-returnees" (International Development Law Organization [IDLO], 2019). Available from https://www.idlo.int/news/somalia-launches-first-policy-displaced-persons-refugee-returnees (accessed November 2020).

[71] "Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons" (Somalia, National Legislative Bodies and National Authorities, 2019). Available from https://www.refworld.org/docid/5d8331024.html (accessed November 2020).

[72] Ibid., preamble.

[73] Ibid., article 8(1)(a).

[74] Ibid., article 1(5).

[75] Ibid., article 1(7). See also article 1(5)(a) relating to options in lieu of a valid legal document reflecting status.

[76] Ibid., articles 5–15.

[77] See footnote 70.

[78] "National Eviction Guidelines 2019" (Somalia, National Legislative Bodies and National Authorities, 2019). Available from https://www.refworld.org/docid/5d8333ae4.html (accessed November 2020), article 2.1.

[79] Ibid., article 2.2.

the instrument.[80] The IDP definition used in the Eviction Guidelines appears to reflect the definition in the Guiding Principles on Internal Displacement rather than the definition used in the NPRRI. The Eviction Guidelines recognize that "the practice of forced evictions constitutes a gross violation of human rights, and directly or indirectly contravenes", inter alia, principle 6 of the Guiding Principles on Internal Displacement and article 11(4) of the Kampala Convention.[81] Aside from a mention in the IDP definition, conflict and disaster are not explicitly referenced in the Guidelines.

3. Non IDP-specific laws and policies

3.1. Disaster risk reduction or disaster risk management

National Disaster Management Policy (2017)

Somalia's 2017 National Disaster Management Policy (NDMP) contains extensive references to displacement and IDPs, and recognizes the interactions between conflict and natural hazards and disasters and their individual and combined impacts on the resilience of the Somali population.[82] The NDMP contains five chapters and its purpose is to provide "a legislative framework for embedding disaster management (DM) within appropriate structures of the government(s) and thereby strengthen national capacities for effective disaster preparedness, response, mitigation, prevention and recovery, in order to protect lives and livelihoods, property, environment and the economy at large."[83] The NDMP seeks to provide a comprehensive framework for disaster management that promotes risk management to reduce vulnerability among populations at risk and strengthens linkages between disaster management, resilience and sustainable development.[84] These aspirations stem from commitments Somalia made under the Sendai Framework for Disaster Risk Reduction 2015–2030 (Sendai Framework).[85]

The introductory chapter discusses disaster risks in Somalia, including the complex national context and highlights new and protracted internal displacement stemming from conflict and disasters.[86] In the discussion on drought, for example, the NDMP recognizes that "[w]hile climatic factors contribute to drought, human factors like ongoing conflict limit […] access to pastureland and cause failure of [the] social protection system, however rudimentary, leading to disasters and famine".[87] It also notes that persistent droughts compel movements, including internal displacement, and that such movements can be a trigger for competing claims on pasturelands and localized conflicts.[88] The section also highlights floods and storms and associated impacts, including in terms of evacuation, and protracted armed conflict that has contributed to extensive internal and cross-border displacement.[89]

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[80] Ibid., article 1.
[81] Ibid., preamble.
[82] "National Disaster Management Policy – final draft for endorsement" (National Legislative Bodies and National Authorities, 2017). http://mohadm.gov.so/publications/policy-papers/ (accessed November 2020).
[83] Ibid., paragraph 6.
[84] Ibid., paragraph 41.
[85] Ibid.
[86] Ibid., chapter 1.
[87] Ibid., paragraph 17.
[88] Ibid., paragraph 19.
[89] Ibid., paragraphs 20–24.

The scope of the NDMP covers both natural and man-made hazards, and accordingly, disasters triggered by these factors. For example, a hazard is defined as an "event, substance, human activity or condition that has the potential to cause a disaster" and can be "natural (e.g. flood, cyclone, tsunami) [or] human-induced (e.g. […] war and conflict)" inter alia.[90] A "disaster" is a "serious disruption to a community caused by the impact of human induced, natural hazard or a complex emergency", while a "complex humanitarian emergency" is "a crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal and/or external conflict(s)."[91] Notably, "risk" is defined in this policy as the "probability of harmful consequences, or expected losses […] resulting from interactions between natural or human induced hazards which create vulnerable conditions" and recognizes the interactions between conflict and disaster.[92] Meanwhile, "vulnerability" is also defined broadly and is not limited to natural hazards; its definition within the policy states that it is the "propensity or predisposition to be adversely affected – the characteristics and circumstances of a community, system or asset that makes it susceptible to damaging effects of a hazard. There are many aspects of vulnerability arising from various physical, social, economic, and environmental factors." [93]

Chapter 3 on the NDMP's goals and objectives indicates that it is "aimed at" all national government institutions, FMS governments, local authorities and other actors involved in disaster management.[94] The policy is underpinned by eight guiding principles, which recognize the primary responsibility of State authorities and also acknowledge that other actors will be welcome to provide support when necessary.[95] The principles explicitly mention human rights and the need to practice a rights-based approach to disaster risk management (DRM). Notably, principle eight is on the responsibility of the Government to protect its people, including all citizens. In this regard, it recognizes that:

> Given the recurrent pattern of displacement that the country has witnessed over the past twenty-five years, caused by multi-faceted protracted cris[e]s, preventing further displacement and dealing with those already displaced is the biggest challenge in rebuilding Somalia. The 2004 Guiding Principles on Internal Displacement [sic], which is an international instrument requires States to prevent displacement in accordance with their human rights obligation to protect people against known and foreseeable risks for their life, limb, and health. It is the responsibility of Federal State to ensure that adequate capacities exist within the Member State governments, districts and local authorities to provide effective leadership and discharge operational responsibilities in this regard.[96]

Both conflict- and disaster-related prevention measures are mentioned in the policy's disaster prevention priorities, including indigenous disaster prevention and management strategies.[97] On disaster preparedness, evacuation plans and shelters, rescue plans and simulation exercises are noted among the policy's relevant preparedness activities. Temporary evacuation is highlighted

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[90] Ibid., glossary of terms.
[91] Ibid.
[92] Ibid.
[93] Ibid.
[94] Ibid., paragraph 42.
[95] Ibid., chapter 3.2 and paragraph 43(i).
[96] Ibid., paragraph 43(viii); internal citations omitted.
[97] Ibid., paragraph 45.

in the policy's disaster response priority, recognizing that this and other activities are aimed at saving and protecting lives and livelihoods and dealing with immediate damage.[98] The recovery and resilience priority acknowledges chronic stresses as well as acute shocks from floods, conflicts or other hazards.[99]

Chapter 4 of the NDMP on policy outcomes and institutional mechanisms for delivery contains a specific subsection on refugees and IDPs. It highlights the durable solution options for IDPs, noting relevant guidance on benchmarks, and requires government institutional actors (in partnership with intergovernmental actors) to develop a plan of action for durable solutions.[100] Finally, chapter 5 of the NDMP on monitoring and evaluation, pursuant to principle eight, contains explicit language to measure action to "deal with returnees and IDPs".[101]

Importantly, the NDMP is underpinned by the recognition that effective disaster management is multidisciplinary and multisectoral and requires a range of ministries, departments and other actors to work in collaboration. One of the NDMP's eight guiding principles also recognizes the importance of a clear division of roles and responsibilities between different levels of government; in this regard, it notes that DRM is first and foremost a provincial- and district-level issue with national policies providing an overarching framework.[102] Coordination and partnership are another guiding principle since disaster management presents a complex set of problems that no single organization can respond to alone.[103]

The NDMP notes the interactions with and the importance of Somalia's National Development Plan (NDP) and advocates an inclusive approach to development, including integrating displaced people and returnees into the formal economy. For example, it explains that "[d]isaster management thus cannot be done on the back of relief alone, and development of its people cannot take place unless Somalia addresses vulnerability to disasters and conflict. Disaster management thus requires different parts of the government to work together".[104] It arrives at this conclusion by recognizing the links between poverty and exclusion and vulnerability and resilience to disaster-related shocks. The NDMP also acknowledges that "[h]igh vulnerability to disasters is a function of poverty, political and soci[o] economic conditions."[105] In its policy objectives, the NDMP underscores the need to mainstream disaster risk reduction (DRR) into development plans and strategies at all levels to enhance the capacity of vulnerable communities to withstand the adverse effects of disasters.[106]

3.2. Climate change adaptation

National Adaptation Plan, National Adaptation Programme of Action (2013) and Intended Nationally Determined Contribution (2015)

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[98] Ibid., paragraph 47.
[99] Ibid., paragraph 50.
[100] Ibid., paragraph 84.
[101] Ibid., paragraph 89 (table 1). This includes supporting FMSs to develop their capacity to provide solutions and determine whether appropriate measures are being taken to prevent further displacement.
[102] Ibid., paragraph 43(ii).
[103] Ibid., paragraph 43(vi).
[104] Ibid., paragraph 40.
[105] Ibid.
[106] Ibid., paragraph 44(v).

Somalia has not submitted a National Adaptation Plan (NAP).[107] However, it submitted a National Adaptation Programme of Action (NAPA) in 2013. The NAPA contains multiple references to IDPs and internal displacement.[108] It begins with a contextual discussion of conflict, droughts and floods and highlights the scale of internal displacement and cross-border movements.[109] In a discussion on vulnerable groups, the NAPA highlights IDPs and movements due to hazards and conflict.[110] Other references to IDPs predominantly relate to IDP camps, while other references to displacement can be found in discussions on specific projects.[111] There are at least four mentions of the relocation of vulnerable coastal communities within lists of adaptation measures.[112] In the discussion of its vision, the NAPA states that its "overarching goal [...] is to make the Somali people more resilient to climate change recognizing their high vulnerability to an economy that is dominated by subsistence agriculture and livestock rearing and undermined by the heterogeneity of clan-based conflicts."[113] There are other contextual references to conflict, both historical and contemporary, as well as to their development-related impacts and challenges. Some references to conflict focus on conflicts over resources, such as water and pastureland and mentions farmers, herders and nomadic groups. Conflict prevention and peacebuilding are listed among the guiding principles for the NAPA.[114]

In 2015, Somalia submitted its Intended Nationally Determined Contribution (INDC), which contains a reference to displacement.[115] In the rationale for an adaptation project to reduce risks from "natural" disasters among vulnerable populations, Somalia's INDC notes "the potential for increase in injury and death as a result of drought, increase in incidence of conflict over diminishing natural resources such as water and grazing land, [and] significant migration and displacement of people".[116] References to conflict can be found in multiple sections, many of which focus on conflicts over natural resources.

3.3. Development

Somalia's National Development Plan 2020–2024: The Path to a Just, Stable and Prosperous Somalia

Internal displacement and IDPs feature extensively throughout the ninth iteration of Somalia's NDP: "Somalia National Development Plan 2020 to 2024: The Path to a Just, Stable and

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[107] National Adaptation Plans (United Nations Framework Convention on Climate Change [UNFCCC], n.d.). Available from https://www4.unfccc.int/sites/NAPC/News/Pages/national_adaptation_plans.aspx (accessed November 2020).
[108] "National Adaptation Programme of Action on Climate Change" (United Nations Development Programme [UNDP] and Somalia, Ministry of National Resources, 2013). Available from https://unfccc.int/resource/docs/napa/som01.pdf (accessed November 2020).
[109] Ibid., p. 13.
[110] Ibid., p. 37.
[111] These replicate the language quoted in the Intended Nationally Determined Contribution.
[112] These may not have been prioritized for action. There are also multiple references to rural to urban migration, as well as references to migration more generally, including in the same specific projects that reference displacement. In addition, in a section on outcome recommendations, the NAPA recognizes the significant social and economic impacts climate variability has had on Somalia's populations, and also notes "they service only to exacerbate issues of migration, conflict and access to natural resources." Ibid., p. 51.
[113] Ibid., p. 43.
[114] Ibid., 56–57.
[115] "Somalia's Intended Nationally Determined Contributions (INDCs)" (Somalia, State Minister for Environment, Office of the Prime Minister and Line Ministries and Ministry of Planning, 2015). Available from https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Somalia/1/Somalia's%20INDCs.pdf (accessed November 2020).
[116] Ibid., p. 21. The document also contains references to other forms of human mobility, including migration.

Prosperous Somalia" (NDP 9).[117] It "addresses the root causes of poverty and aims to improve the impacts of poverty experienced by households and individuals."[118] IDPs are recognized as one of the most vulnerable groups in Somalia, having one of the highest monetary rates of poverty, facing multidimensional deprivation and becoming trapped in such situations.[119] The NDP 9 notes that the key drivers of poverty, as identified through stakeholder consultations, were conflict and political instability; "natural" disasters; insecurity and weak rule of law; and poor governance, in that order. It recognizes that both conflict and disaster (including climate-related hazards) have led to substantial population displacement. These factors, together with rapid (unplanned) urbanization – which is largely due to internal displacement – have created development pressures within IDP camps and their host communities, including for basic services.[120] Durable solutions to long-term displacement are prioritized as one cross-cutting imperative, and one overall metric for the success of the NDP 9 is the return, resettlement and integration of IDPs.[121] Other IDP-specific metrics also feature throughout the document. As noted earlier, the NDP 9 is one of several mechanisms for the implementation of the NPRRI.

4. Institutional and coordination architecture

4.1. IDP-specific laws and policies

National Policy on Refugee-Returnees and Internally Displaced Persons (2019)

As noted in the NPRRI, the National Commission for Refugees and IDPs (NCRI), which was established in 2016 under a specific establishment law, is an operationally independent commission at the federal level responsible for all returnees, refugees and IDPs. [122] One of its main objectives is to "formulate strategies, operational plans and programmes on matters relating to persons of concern with the assistance of relevant governmental institutions, UN Agencies and other organizations pursuant to international standards".[123]

Chapter 4 of the NPRRI outlines the roles and responsibilities of government and various other actors, including those regarding coordination. According to the NPRRI, at the federal level, the Ministry of Interior, Federal Affairs and Reconciliation, acting through the NCRI, has a wide range of responsibilities. These capture responsibilities for durable solutions for refugee-returnees and IDPs, which includes ensuring that durable solutions are adequately addressed in development and humanitarian plans. It is responsible for ensuring that refugee-returnees and IDPs are provided with assistance and protection by all relevant federal government institutions and their partners and that legal and policy frameworks ensure the protection of their rights. Acting through the NCRI, the Ministry is also responsible for coordination, monitoring, supervision and evaluation of activities related to the management of refugee-returnees and internal displacement of the people of Somalia. Under the auspices of the Ministry, the NCRI is the national institutional focal point mandated to facilitate coordination within the Government

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[117] "Somalia National Development Plan 2020 to 2024: The Path to a Just, Stable and Prosperous Somalia" (Somalia, Ministry of Planning, Investment and Economic Investment, 2019). Available from http://mop.gov.so/wp-content/uploads/2019/12/NDP-9-2020-2024.pdf (accessed November 2020).

[118] Ibid., p. 23.

[119] Nomadic pastoralists and agro-pastoralists are also listed as among the most vulnerable.

[120] Ibid., p. 28.

[121] Ibid., p. 106.

[122] Somalia, *National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)* (Somalia, National Legislative Bodies and National Authorities, 2019). Available from https://www.refworld.org/docid/5d8332c64.html (accessed November 2020), glossary of terms. The NCRI was established under the Establishment Law of the National Commission for Refugees and IDPs (law no. 2 of 2016).

[123] Ibid., background section. The NPRRI quotes article 5(2) of law no. 2 of 2016.

on activities related to recovery, protection and welfare of refugees, Somali refugee-returnees and IDPs.[124]

The NPRRI discusses the roles and responsibilities of other line ministries at the federal and FMS levels, as well as the BRA. Other responsible ministries include the Ministry of Planning, Investment and Economic Development (MoPIED) and the Ministry of Humanitarian Affairs and Disaster Management (MoHADM).[125] The NPRRI explains that the MoPIED has a special unit focused on durable solutions for refugee-returnees and IDPs, with an emphasis on urban resilience, social protection, disaster response and local district planning.[126] In this regard, the NPRRI "recognizes that the role of the MoPIED is to coordinate, monitor and supervise all projects and programmes related to durable solutions at national level with relevant key international and regional durable solutions actors and donors."[127] There is also a discussion of FMSs and the BRA in the policy.[128] For example, it recognizes their important roles in emergency response, relocation and solutions processes and requires relevant FMS and BRA institutions to collaborate closely with the Ministry of Interior, Federal Affairs and Reconciliation on a whole host of activities. These include contingency planning, relocation and solutions, assigning operational areas to humanitarian agencies, and implementing the National Eviction Guidelines. Other subsections of chapter 4 discuss displacement-affected communities, national civil society, and the international community.

Finally, the NPRRI provides for an Inter-Ministerial Task Force for Refugee Returnees & IDPs (ITRRI), recognizing the need for engagement across ministries and governmental levels due to the cross-cutting nature of the NPRRI. Its roles include to "support refugee-returnees and IDPs, coordinate and oversee the roles and responsibilities set out in Chapter 4 […] [and to] develop an operational coordination mechanism at and between federal and FMS levels." [129] The Task Force comprises several federal institutions including the Ministry of Interior, Federal Affairs and Reconciliation, the MoPIED and the MoHADM, as well as FMS and BRA counterparts. The Task Force is required to bring together national actors and has the capacity to oversee the work and lead the implementation of the NPRRI. The NCRI is required to facilitate ITRRI meetings and to provide technical support.[130] However, as at the end of 2020, the ITRRI may not have been formally set up.[131]

Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (2019)

Implementation of the Interim Protocol on Land Distribution for Housing to Eligible Refugee-Returnees and Internally Displaced Persons (Interim Protocol) is the responsibility of relevant institutions within FMSs and the BRA, and is to be undertaken in coordination with the NCRI.[132] Many of the decision-making processes, such as beneficiary selection, are to be conducted by

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[124] Ibid., chapter 4.1.1.
[125] Ibid., chapter 4.1.2. These ministries are required to, inter alia, review sectoral laws, policies, planning and programming to incorporate, integrate or address refugee-returnee and IDP-specific concerns.
[126] Ibid., chapter 4.1.3.
[127] Ibid.
[128] Ibid.
[129] Ibid., chapter 4.6.
[130] Ibid., chapter 4.6
[131] Correspondence on file with the author.
[132] See footnote 71, articles 14 and 15.

FMSs and BRA actors (and district councils and municipalities) in consultation with the NCRI. The MoPIED is noted in one article relating to assessing development-related projects.[133]

National Eviction Guidelines (2019)

The National Eviction Guidelines establish an Eviction Committee at the national level, chaired by the Ministry of Interior, Federal Affairs and Reconciliation, which will be responsible for the implementation of eviction orders issued pursuant to the instrument.[134] When evictions concern an FMS or the BRA, the Eviction Committee will be led and chaired by a relevant ministry or institution of the FMSs or a relevant department of the BRA, as applicable.[135] If evictions affect IDPs, consultation with the NCRI and the MoHADM, or with relevant actors within the FMSs, is required.[136] The Guidelines permit FMSs and the BRA to establish eviction committees within their jurisdiction and lower levels of administration.[137] The NCRI is mandated to assist and guide IDPs affected by evictions to realize their rights.[138]

4.2. Non-IDP-specific laws and policies

National Disaster Management Policy (2017)

Chapter 2 and 4 of the NDMP discuss institutional structures and coordination.[139] Chapter 2 explains factors that have contributed to weaknesses and limitations in Somalia's technical, operational and coordination capacity in terms of DRR, and identifies structures in Somaliland and Puntland that have been developed to address the national-level vacuum. Recognizing the ad hoc nature of prior responses, which have concentrated on disaster relief with inadequate attention on preparedness, mitigation, risk reduction and recovery, the NDMP identifies the need for an overall policy framework at the national level for decentralized disaster management structures to flourish. The NDMP references the Somali Disaster Management Agency Establishment Law of 2016, under which the Office of the Prime Minister has the overall responsibility for leadership of and ensuring political spaces for a government-wide approach to comprehensive disaster management. To better streamline disaster management functions at the policy level, Somalia has established a relatively new nodal ministry, the MoHADM, which has overall responsibility for facilitating all aspects of disaster management and ensuring disaster management is mainstreamed in the public and private sectors. Some of its responsibilities are to be conducted in conjunction or in consultation with FMSs. The MoHADM is also required to establish coordination structures at the national level and facilitate the formation of similar structures at FMS levels.

At the national level, these coordination structures include a National Disaster Management Council (NDMC), an interministerial body that governs and oversees disaster management at a strategic level and provides overall direction and guidance. This includes national policy, planning and legislative frameworks for disaster management in Somalia, and, during major

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[133] Ibid., article 8.
[134] "National Eviction Guidelines 2019" (Somalia, National Legislative Bodies and National Authorities, 2019). Available from https://www.refworld.org/docid/5d8333ae4.html (accessed November 2020), article 9.
[135] Ibid., article 9.4.
[136] Ibid., article 9.5.
[137] Ibid., article 9.6.
[138] Ibid., article 12.
[139] See footnote 82.

disasters, strategic oversight of disaster response operations. It is chaired by, and reports to, the Prime Minister. The NDMC includes a range of ministers holding various disaster management portfolios, including the MoHADM, the Ministry of Agriculture; the Ministry of Energy and Water Resources; the MoPIED; the Ministry of Interior, Federal Affairs and Reconciliation; and the Department of Environment within the Office of the Prime Minister. The MoHADM acts as the ex officio Secretary of the NDMC. It is responsible for approving the National Disaster Management Strategy and standard operating procedure for disaster management, which are to be developed by MoHADM.

The Somalia Disaster Management Coordination Group (SDMCG), which is convened by the MoHADM, is a coordination group that guides operational aspects of comprehensive disaster management. It comprises the senior-most officials of relevant national agencies and departments, focal points of FMSs, civil society and heads of United Nations agencies, as well as other non-governmental and private actors. The Permanent Secretary of the MoHADM acts as the ex officio Secretary. The SDMCG's responsibilities include coordinating activities among all stakeholders during pre-disaster, disaster and post-disaster phases and advising the NDMC and the MoHADM.

Under the NDMP, the Somali Disaster Management Agency (SODMA) may have been envisaged as the key operational actor for carrying out its responsibilities under the MoHDM.[140] According to the NDMP, which draws on the applicable legal framework, SODMA's responsibilities include to "manage all natural and manmade disasters" in Somalia and to "deliver and protect the Somali people and their properties against disasters in the country and save them from vulnerabilities and lack of resilience against some of the calamities".[141] The MoHADM is required to establish a National Emergency Operations Centre (NEOC) to gather, analyse and disseminate relevant information and also provide a central coordination point in response to disasters and for coordination of humanitarian assistance. The MoHADM is also responsible for reviewing the implementation of the NDMP through a consultative process, which involves FMSs, relevant national ministries, United Nations agencies and civil society. The NDMP includes one reference to the NCRI, which is required to prioritize IDPs and returnees and to develop a plan of action for durable solutions with inter alia, UNHCR, the International Organization for Migration (IOM) and urban authorities.[142]

The NDMP indicates that FMSs may, at their discretion, establish a dedicated State Disaster Management Authority to facilitate disaster management. Where such a structure is not established, an FMS is required to set up a Disaster Management Committee. These actors are responsible for, inter alia, coordination between FMS governments and the MoHADM on all aspects of disaster management and for establishing an FMS Emergency Operations Centre. In addition, the NDMP highlights the key roles played by community-based disaster risk management and district administration.

National Adaptation Programme of Action (2013) and Intended Nationally Determined Contribution (2015)

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[140] According to informants, this body may no longer exist in the same iteration and may have been folded in with other actors within the MoHADM.
[141] See footnote 82, paragraph 36.
[142] See footnote 82, paragraph 85.

The Ministry of National Resources, which oversees agriculture and livestock; fisheries and marine resources; water; the environment and wildlife, finalized the NAPA, in consultation with the governments of Puntland and Somaliland.[143] During the validation and endorsement process, a final workshop was conducted with the Ministry of Environment. Under the NAPA, the Ministry of National Resources was also given responsibility for identifying key activities for funding. The INDC does not discuss institutional arrangements, although the Ministry of State for Environment is the lead agency responsible for implementing many of the projects.[144]

Somalia's National Development Plan 2020–2024: The Path to a Just, Stable and Prosperous Somalia

At the national level, the MoPIED is the key implementing and coordinating actor under the NDP 9.[145]

5. Insights on practice

The following discussion reflects insights and *perceptions* based on practice. They were gathered through remote interviews with 17 informants. Where specific documents are discussed, they are referenced in footnotes.

5.1. Practice insights on conflict, disaster and displacement dynamics

Data collection and interactions between drivers and triggers of displacement

In general, when data are collected, only the main reason for displacement is recorded, but as UNHCR explains "often the real driver for displacement may be a combination of closely related factors."[146] Many informants echoed these sentiments. In general, people tend to move in the context of conflict and insecurity, floods, drought, in search of food- and livelihood-related security or for reasons related to access to services. During data collection, however, people generally have to choose a single trigger to cite. Identifying a single driver is challenging because "the motivations for movements are so complex", even if there may be a dominant and noticeable trigger.[147] It is "problematic to isolate single motivations for movement" because "drought, conflict and insecurity are inextricably linked."[148] If a person is "affected by drought, they are more vulnerable to conflict and vice versa." [149] Insecurity interacts with disasters and climate change. As such, "when [we] try to communicate what is happening on the ground and try to categorize, there is a disconnect."[150] "There is such interdependence in the motivations for movement."[151] In addition, there are also slow-onset movements, which are driven by multiple factors, including structural reasons such as poverty and lack of services. Therefore, fundamentally, there are many reasons underpinning displacement, which are both hard to confirm and currently not very well captured. This is a "limitation, but also a compromise", as

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[143] See footnote 108.
[144] See footnote 115.
[145] See footnote 117.
[146] "Protection and return monitoring network: notes on methodology" (UNHCR Somalia, 2017). Available from https://data2.unhcr.org/en/documents/details/53888 (accessed November 2020).
[147] Informant interview on file with the author.
[148] Ibid.
[149] Ibid.
[150] Ibid.
[151] Ibid.

this information is useful and much clearer and therefore it must be collected.[152] In this context, it is very important for the purposes of analysis and programming to understand the limitations in the available data and what information is not captured in them. One solution is to give people the option to choose multiple drivers and triggers to better understand the complex reasons behind movements.

While it is possible to assume that most people have been affected to different degrees by "man-made conflict and by 'natural' disasters", triggers and drivers differ across Somalia. For example, there are more incidents involving conflict and violence in the southern and central parts of Somalia than in other parts of the country. Some of the underlying drivers are evolving and there may be less overlap with conflict now than before. The adverse effects of climate change will also impact these dynamics. Given the breadth of interactions between drivers, it is important to recognize that the understanding what constitutes "forced" movements is not always clear, particularly when livelihoods are severely affected.

Access constraints

In areas controlled by Al-Shabaab, access constraints inhibit government and humanitarian actors from supporting affected and displaced populations.[153] This means their ability to undertake prevention-related activities; monitor conditions and situations; and carry out an effective humanitarian response is also limited. There are multiple dimensions to these access constraints. Some affected populations are unable to flee from Al-Shabaab-controlled areas into government-controlled areas to access support. Moreover, in Baidoa, for example, the United Nations has a limited radius of operation, which means implementation and assistance outside the relevant area is generally carried out via local implementing partners. Working with implementing partners creates accountability challenges and may require "justifiable" compromises to provide assistance to those most in need. So-called "gatekeepers" – informal power structures, including individuals who act as a middle-person between IDPs and services provides – create complications too, including through interventions that restrict access to affected populations.[154] Accessing and supporting populations via gatekeepers can undermine credibility and authority and compromise operational standards and accountability. In this respect, certain actors have adopted their own due-diligence or anti-corruption policies, which while important to address accountability challenges, can also complicate coordination.

Assistance during emergency response

Generally, displaced populations are given assistance and protection regardless of the "cause" or trigger of displacement and the approach towards support does not differentiate based on these factors. The assistance provided to populations is based on needs and vulnerability. While there was previously a tendency to target interventions based on displacement status, evolving discussions have highlighted the importance of accounting for the needs and vulnerabilities of non-displaced populations, including the urban poor. In this context, and in light of the growing scale of urban and protracted displacement, shifts towards adopting more cohesive

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[152] Ibid.
[153] See also footnote 15 (OCHA, 2019; OCHA, 2020).
[154] "Engaging the gatekeepers: Using informal governance resources in Mogadishu" (Erik Bryld, Christine Kamau, Søren Knudsen Møller, Mohamed A. Mohamoud, 2017). Available from https://reliefweb.int/sites/reliefweb.int/files/resources/Engaging%20the%20Gatekeepers.pdf (accessed January 2021).

interventions, including through area-based approaches, are occurring.[155] These shifts also recognize the "burden" of hosting displacement populations and aim to promote social cohesion. Nonetheless, and as noted earlier in the context of access, for example, the situations faced by IDPs may constrain and limit the assistance they receive. In disaster situations, communities, religious groups and diaspora support affected people through coordinated collections and other activities. Some informants perceived there to be greater sympathy from diaspora, host and other communities towards populations affected by disasters relative to conflict-affected populations as the crises affecting victims of disaster are viewed as existential.[156] Equally, these dimensions also related to kinship ties between diaspora and the people who are affected by conflict or by disaster.

Scale and visibility of displacement and responses

Notwithstanding the above-mentioned general approach, the scale and visibility of displacement plays a role in the mobilization and availability of resources and the support provided to displaced populations. While there are specific plans generated for flood and drought response, in general, only predictable and large-scale displacement is included within pre-determined plans. Responses to unforeseen displacement in conflict or disaster contexts are undertaken through ad hoc plans prepared to respond to specific events or incidents that generate "significant" displacement and needs. If displacement is unpredictable, relatively small in scale or occurs gradually, a response plan may not necessarily be prepared. As such, assistance may be piecemeal or provisional. In some instances, host communities also mobilize and provide support to smaller groups of displaced people, including in areas which are harder to access. Consequently, there may be differences in the implementation of responses, in part due to the availability and mobilization of resources, even if differentiation based on trigger does not occur in principle. In addition, public awareness of large-scale displacement raised via visibility, as is often the case for displacements stemming from floods, tends to create greater political pressure for robust responses.

Clan dynamics, data collection, marginalization and support

Informants reported that "displacement is deeply connected with exclusion."[157] Demographic information on clans and subclans is inadequate. However, it is likely that the majority of displacement tends to affect marginalized clans.[158] When access is constrained, assistance is provided remotely through local partners with minimal monitoring, which makes it difficult to determine if clan-based biases affect implementation and distribution of assistance. The existing method of registering IDPs – which appears to be limited and is generally related to specific forms of assistance – does not necessarily include clan-related information, although there are also political sensitivities inherent in capturing such information.[159] In this sense, gaps may exist in the understanding of clan-based assistance and protection needs.

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[155] See also footnote 15 (OCHA, 2019; OCHA, 2020).

[156] These dimensions are also related to *who* is affected by conflict.

[157] Informant interview on file with the author.

[158] A census has not been carried out in Somalia since 1975 and therefore basic population data – including on minority clans – is outdated.

[159] Even where information does exist on clan demographics, there are questions regarding the reliability of such data, which can be influenced by the dynamics between the data-collection organization and a given community, and also by IDPs' perceptions of the use of – and any consequences that may result from – providing such information.

Indeed, many informants highlighted clan-based considerations and customary rules as important determinants for assistance and protection, particularly in contexts where newly arriving IDPs are dependent on host communities and other local actors for support. These dynamics, including distinctions between host and IDP populations, vary based on geography. Clan dynamics play a role in garnering visibility and resources. Clans with stronger social capital, networks, political representation and "champions" who are able to publicize a given disaster or predicament create opportunities and support options that are not necessarily within the reach of more marginalized clans that do not have similar patrons or advocates. In such contexts, gatekeepers may further complicate and "disrupt" the support received by minority clans with limited accountability for their actions. Some informants also indicated that clan-based dynamics influence community preferences for aid. For example, community perceptions of aid-provider affiliations with government authorities and institutions can affect acceptance and receptiveness towards different forms of support.

Nature of conflict and disaster displacement

Some informants perceived floods to have received more attention in the recent past and to draw more resources for humanitarian response, diaspora and the private sector as compared to other triggers. Flood-associated displacement was reported to be large-scale, and therefore, more visible. Somalia experiences recurrent floods, including along the riverbanks of the Shabelle and Juba rivers. Floods were the dominant trigger for displacement in 2019 as at 31 October 2020.[160] According to informants, displacement associated with floods tends to be short-term – IDPs are displaced close to their homes, within the same district, and return shortly after waters recede. Informants also recognized that *displacement* associated with drought occurs. Such displacement was smaller in scale than displacement associated with floods during 2019 and as at 31 October 2020, although the opposite was true in earlier years.

There are different forms of conflict in Somalia, including confrontations with Al-Shabaab and clan conflicts. With respect to clan conflicts, tensions often arise in relation to resources such as grazing land and water. Informants noted that in general IDPs displaced by conflict "trickle" in over a relatively longer period of time, as compared to the more large-scale movements associated with floods, and therefore, may attract less attention.

According to informants, people who are displaced in the context of conflict or drought tend to face longer-term and protracted predicaments. Conflict and ongoing insecurity undermine opportunities for return, unlike floods, which present opportunities for return once waters recede. Droughts affect the long-term viability of livelihoods. Recurrent disasters have eroded pastoralist and nomadic populations' ability to maintain traditional and cultural practices. Many farmlands are located in in Al-Shabaab-controlled areas and these may have also been affected by land grabs.

Multiple displacements, protracted internal displacements and solutions

Floods and drought are recurrent in Somalia and conflict and violence have been prevalent in the country for the past 30 years, albeit at varying levels of intensity. In this context, and as reflected in the discussion on data and interactions, many Somalis are affected by multiple and

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[160] See footnote 146.

interlinked shocks, and some people experience secondary and tertiary displacement. People also undertake onward displacement in Somalia, as IDPs may initially be displaced to areas that lack necessary services and infrastructure or they may be excluded from accessing available services and therefore, may continue to other, larger and more urban locations.

Also as noted earlier, forced evictions have tended to create significant secondary displacement of IDPs already displaced by conflict or disaster, particularly in urban settings. This is due in part to the fact that many IDP sites are on private land and due to limited and ineffective land tenure and management systems. To address protection and other concerns, policy changes have been adopted (see discussion on the National Eviction Guidelines, for example) and advocacy and capacity-building efforts have sought to create moratoriums and changes in practices.

In considering solutions for protracted IDPs who may have experienced multiple displacements – perhaps due to the combination of floods, conflict and drought – and other shocks, it is important to understand the breadth of past experiences and their salience for solutions programming. In general, identifying mechanisms to address conflict-related displacement soon after it has occurred, and before complex, multiple shocks and protracted predicaments ensue, may offer valuable opportunities to promote solutions. In essence, greater efforts are needed to "minimize the period of time that people stay in situations of displacement", to support more timely solutions that consider triggers, drivers, topography, geography and livelihood options in relevant locations and to create incentives that support solutions.[161] "The longer people stay in a situation of displacement, the less likely they will go back. The window following displacement is important. This is when key interventions need to be made."[162] This also means understanding the triggers and drivers of displacement in areas of origin and supporting reintegration. It means recognizing that return is also a viable solution in Somalia. In this context, there are also efforts to ensure that humanitarian aid is provided closer to areas of origin to minimize the extent to which aid serves as a "pull factor".

Urbanization

Informants perceived that many IDPs in cities such as Baidoa, Kismayo and Mogadishu want to stay. Some have built new lives through livelihoods in construction, hospitality and other sectors in these and other urban settings.[163] IDPs who arrived in the context of crises that occurred in or before 2012 may not have meaningful choices and reasons to return to their places of origin. Informants suggested that the urbanization of IDP movements requires longitudinal humanitarian and development approaches to planning that recognize and develop urbanized solutions for significant populations of IDPs, particularly as lack of services and livelihoods are also important drivers of movements into urban areas. This means approaches to programming must go beyond humanitarian imperatives to consider longer-term needs and vulnerabilities, including services, infrastructure, DRR, integration challenges and the possibility of tension in cities and peri-urban areas. Nonetheless, there are also IDPs who do not want to stay and wish to return to their places of origin and there are "enormous challenges for the people that would like to leave" if their places of origin remain insecure or occupied.[164]

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[161] Informant interview on file with the author.
[162] Informant interview on file with the author.
[163] See also Durable Solutions Initiative Mission Reports by Walter Kälin, on file with the author.
[164] Informant interview on file with the author.

5.2. Practice insights on law and policy

Evolution of the legal and policy architecture

The Federal Government continues to establish or revitalize the legal, policy and institutional architecture relevant to prevention of displacement and to IDP assistance, protection and solutions. As noted earlier, and discussed in greater detail later, in the recent past, a range of specific instruments and initiatives have been adopted on IDPs, durable solutions, DRR and development and resilience, among other themes. A new IDP law, building on the 2019 NPRRI is a work-in-progress and a draft instrument has been circulated for consultation as at November 2020. In this context, informants noted that significant efforts have been made to create legal and policy frameworks relevant to fostering a rights-based approach to IDPs, while also recognizing that this architecture is nascent and accountability frameworks must be bolstered. There was strong consensus on focusing on and supporting capacity-building and implementation in all current and future actions.

National institutions, responsibilities and mandates

According to informants, at the federal level, a range of ministries and institutions have responsibilities relevant to IDPs, however there are differences in opinion or understanding regarding these responsibilities and mandates. These dynamics present challenges to the identification of key lines of authority, coordination and implementation of policies on the ground. Therefore, when assessing the potential of policies relevant to IDPs, it is essential to understand which actors were engaged in the process and the scale and openness of consultations to anticipate traction and prospective implementation support.

National and Federal Member State policies, responsibilities and implementation

Similar dynamics and challenges exist between federal government actors and some FMSs. Several FMSs have adopted frameworks and policies on IDPs (as noted above) and other IDP-relevant themes. Some FMS instruments predate and are not necessarily compatible with national instruments. This realization has fostered efforts towards harmonization and challenging negotiations are under way. Some informants explained that the allocation of power between the Federal Government and federal institutions and FMSs and FMS institutions is not conclusively articulated in Somalia's provisional Constitution adopted in 2012. This also means that the Federal Government has limited enforcement authority to foster compliance. Notably, while laws and policies may be formulated, adopted and coordinated at the national and FMS levels, implementation of all frameworks falls largely within the purview of FMSs and other local authorities. Indeed, as previously emphasized, "while policies are formulated at the national level, implementation occurs at the FMS level."[165] In this context, there is a growing desire at the national level to ensure that FMS instruments are compatible with national frameworks and to promote harmonization.

Disjuncture between policies and practice

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[165] Informant interview on file with the author.

Uncertainty around the division of responsibility impedes implementation of policies and creates a disjuncture between policies and practice, which can vary based on the FMS. Actions that may be politically, pragmatically or operationally feasible in one FMS many not necessarily be attainable in another. This disjuncture also speaks to the importance of ensuring that national policies are sufficiently contextualized and informed by the realities on the ground in the FMSs, including their variations. The challenges and constraints FMS face in mitigating displacement and providing assistance, protection and solutions vary, as do the particular needs and vulnerabilities of IDPs. Moreover, and in general, IDPs may not always be included in decision-making platforms and their voices are not necessarily heard within policymaking processes in all FMSs. Clan dynamics, including clan compositions of IDPs and hosting communities, influence the implementation approaches necessary to address impediments and challenges, including stigma.

Given the "newness" of policy frameworks in Somalia, evidence of the use and impacts of newly adopted policies has been slow to surface, particularly in light of the disruptions and compounding emergency situation created by the COVID-19 pandemic. Some operational actors working in the field may not be aware of the existence of some of the newly adopted policies and/or their content, although others noted practice-related changes with respect to evictions. Awareness-raising, dissemination and capacity-building, including on the 2019 NPRRI and the National Eviction Guidelines are ongoing and target FMSs and other authorities, among others.

Institutional capacities and resources

Another implementation challenge relates to the capacity of key federal and FMS institutions in a context where Somalia continues to make important steps towards stability and democratic governance. While FMSs should be first responders in any given emergency, many FMSs lack the necessary capacity to fully carry out this responsibility. Efforts to build FMSs' technical and operational capacity continue, in a context where some informants highlighted what they termed an "unhealthy" dependence on the international community.

National Humanitarian Strategy 2020-2024

In 2019, the MoHADM developed the National Humanitarian Strategy 2020–2024 to guide humanitarian responses in Somalia.[166] The strategy seeks to strengthen community resilience and reduce dependence on humanitarian assistance, and is intended to align with the goals of the NDP 9. It also aims to build the capacities of government institutions to foster "Somali-led and Somali-owned" humanitarian responses. It is intended to serve as an overarching strategy document and to unite other substrategies, policies and standard operating procedures related to humanitarian activities. The document identifies links with other relevant policies, including the NDP 9, the NDMP, the Resilience and Recovery Framework (discussed in the following paragraph), the NPRRI, the Interim Protocol and the National Eviction Guidelines, as well as humanitarian documents such as the Humanitarian Response Plan and the Humanitarian Needs Overview developed by the humanitarian community. Addressing the predicament of IDPs is a key area of focus and the interactions between conflict, violence and disasters are recognized in the strategy. Community-based humanitarian interventions are one of its three strategic

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[166] "National Humanitarian Strategy 2020–2024" (Somalia, Ministry of Humanitarian Affairs and Disaster Management, 2019), on file with the author.

objectives and it also emphasizes strengthened community resilience, localization and decentralization by strengthening Somali institutional capacity, including through effective coordination.

Revision to the National Disaster Management Policy (2017) and National Durable Solutions Strategy (and Action Plan)

Somalia is in the process of reviewing and revising its 2017 NDMP to better align it with the Sendai Framework. Somalia is also in the process of finalizing a National Durable Solutions Strategy (and Action Plan), which seeks to outline strategic priorities in line with the NDP 9. Developed under the leadership of the MoPIED, the strategy includes support and interventions for IDPs and aims to provide a platform for using a collective approach among humanitarian, development and peacebuilding actors.[167] Some FMSs also have their own durable solutions strategies. Some districts have also developed durable solutions frameworks, some of which incorporate community-developed action plans.

Somalia's pledges at the Global Refugee Forum

At the first Global Refugee Forum held in December 2019, Somalia made four pledges relevant to IDPs and other displaced/returnee populations. Notably, Somalia pledged to strengthen the provision of durable solutions to all displaced populations and returnees by developing a National Durable Solutions Strategy and reinforcing the National Durable Solutions Secretariat, including strengthening coordination mechanisms within the FMSs to implement impactful durable solutions activities. Additionally, pledges were made to strengthen the resilience of IDPs and other displaced/returnee communities via support to relocation and reintegration; creation of an enabling environment for job growth (250,000 jobs within five years, 25 per cent of which would be for IDPs/returnees); and finally, a commitment to finding permanent solutions for recurring flood cycles that lead to displacement along the Shabelle and Juba rivers within five years.[168] These pledges should be viewed alongside Somalia's priorities, as articulated in the NDP 9 and supported by international partners including the United Nations, to advance durable solutions and bridge the humanitarian-development-peace nexus.

Somalia's Recovery and Resilience Framework

In June 2018, a summary report on Somalia's Recovery and Resilience Framework (RRF) was published.[169] The RRF was developed under the MoPIED's leadership in consultation with five FMS and the BRA and is focused on early recovery from and long-term resilience to drought and disaster preparedness with a vision to break cycles of vulnerability and humanitarian crises. It identifies recovery and resilience-building priorities and proposes a financing approach and institutional arrangements with a view to supporting national efforts to strengthen resilience to recurrent disasters, respond to climate change and increase disaster management and crisis

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[167] See also "Submission to the UN Secretary General's High-Level Panel on Internal Displacement" Somalia, 2020). Available from https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/somalia_submission_to_ihlp_28072020.pdf (accessed November 2020).
[168] See also Global Compact on Refugees: Digital Platform (UNHCR, n.d.) Available from https://globalcompactrefugees.org/channel/pledges-contributions (accessed November 2020).
[169] "Somalia Recovery and Resilience Framework: summary report" (Somalia, Regional Durable Solutions Secretariat *et al.*, 2018). Available from http://mop.gov.so/wp-content/uploads/2018/07/Somalia-RRF-Summary-Report_final_layout6July2018-2.pdf (accessed November 2020).

response capacity. It is intended to align with humanitarian response plans and development frameworks. Specifically, the RRF sets out a collective vision, strategic objectives and principles towards an enabling environment for regular development activities to take root in Somalia, with a long-term intention to "reduce and mitigate adverse impacts created by recurrent natural disasters and related links with conflicts and governance."[170] Promoting durable solutions for displacement-affected communities is one of its five strategic objectives. Among the immediate outputs and longer-term development impacts envisioned under the RRF, is strengthened Federal Government "capacity to plan, lead and monitor participatory, high-impact, low-risk sustainable recovery, and resilience building contributing to the attainment of durable solutions to internal displacement".[171] In this context, references to IDPs and displacement occur throughout the document, including in terms of prioritization and phasing of interventions. The interventions for prioritization and phasing that were assessed in the RRF report were selected based on a set of principles, which included addressing "recovery and resilience of drought and conflict affected communities".[172] The document also articulates a results-based monitoring framework.

Somalia's Draft National Climate Change Policy

A National Climate Change Policy is currently in development and is available in draft form.[173] Displacement and IDPs are referenced in the document and the impacts of climate change on drivers and triggers of displacement are noted in several contextual references. According to informants, however, these themes do not always feature prominently in climate-change related frameworks, particularly in recommendations and action items. Informants also suggested that natural resource management policies and frameworks do not necessarily analyse the multi-faceted drivers that may have prompted people to leave their places of origin, such as the enduring insecurity in Somalia that has degraded resources and livelihoods and compelled internal movements.

5.3. Practice insights on institutional structures and coordination architecture

Creation of an enabling environment

While there may be "disaster and conflict on the one hand [...] there is also a dependent variable and that is the level of governance and management of displacement."[174] Efforts have been made to create an enabling environment comprised of policy frameworks, government structures and institutions to facilitate solutions for IDPs. "A lot has been done, but also [there is] a long way to go."[175] According to informants, these efforts, including the pledges made at the Global Refugee Forum, demonstrate that there is political will and high-level commitment to address displacement issues. Some informants perceived better coordination at the federal level and between federal actors and FMSs, relative to the past, due to the creation of various working groups and an aid architecture, while others were less convinced. On the topic of information-sharing, however, there was greater consensus that improvements have occurred.

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[170] Ibid., p 5.
[171] Ibid.
[172] Ibid.
[173] Ibid.
[174] Informant interview on file with the author.
[175] Informant interview on file with the author.

Evolving initiatives, institutions and programmes on durable solutions

In this context, Somalia has more recently also advanced efforts to build institutions and structures to address and coordinate on durable solutions, which is also of significant interest for donors and international actors. Growing awareness of durable solutions and the types of interventions necessary for their achievement has created "space" for "more mature" discussions, even if such discussions are still at an "early stage".[176] This evolution has been assisted by the Durable Solutions Initiative (DSI) launched in 2016 by the Federal Government and the Deputy Special Representative of the Secretary-General, Resident and Humanitarian Coordinator.[177] The DSI was built on the understanding that durable solutions must be "attained through strong government leadership and collective efforts from humanitarian, development and state-/peace-building partners and with the inclusion of displacement-affected communities themselves. The DSI supported a principled collective approach to durable solutions by all relevant actors".[178] In 2016, a United Nations Durable Solutions Working Group (DSWG) was established which was tasked with facilitating United Nations coordination on durable solutions to displacement and developing a coherent and collective approach to the DSI. In 2017, a Migration, Displacement and Durable Solutions Sub-Working Group (MDDS) – jointly led by the Government and the United Nations – was established.[179] A range of programmes that target or contribute to durable solutions have also been established and/or continue to operate in Somalia.[180] In 2019, the DSWG was formally expanded to include non-governmental organizations (NGOs) and since then the terms of reference (TOR) have been revised, including to align with goals embedded in the NDP 9 and the forthcoming National Durable Solutions Strategy.[181]

In addition to ensuring that IDPs are integrated into the NDP 9 (and local plans), the Government of Somalia established a national Durable Solutions Unit (DSU) in 2018. Under the MoPIED, the DSU works to strengthen government leadership, coordination and prioritization of durable solutions. To achieve a "whole-of-government approach with collective outcomes" together with the Office of the Prime Minister and relevant line ministries, the DSU established a Durable Solutions Secretariat in October 2019.[182] It brings together more than 10 government institutions that provide technical expertise and high-level strategic guidance and oversight to ensure durable solutions initiatives are prioritized and implemented in line with the NDP 9 and other relevant frameworks.[183] Members include the Office of the Prime Minister, the MoPIED, the NCRI, the MoHADM and the Ministry of Interior, Federal Affairs and Reconciliation.[184] The MoPIED is responsible for overall coordination and communication on durable solutions with all key stakeholders at national and international levels, while the Ministry of Interior, Federal Affairs and Reconciliation is responsible for coordination and guidance on implementation in the

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176 See, for example, ibid.
177 See, for example, Durable Solutions Initiative Mission Reports by Walter Kälin, on file with the author.
178 "Briefing note: an overview of the main durable solutions programmes in Somalia" (Somalia, Durable Solutions Unit of the Integrated Office of the Deputy Special Representative of the Secretary-General, Resident and Humanitarian Coordinator, 2019), on file with the author.
179 "Durable Solutions Working Group Terms of Reference" (United Nations Somalia and Regional Durable Solutions Secretariat [ReDSS], 2020), on file with the author.
180 For further information, see, for example, ibid.
181 Ibid. (footnote 179), on file with the author; informant interview on file with the author.
182 See footnote 155.
183 Ibid.
184 "Durable Solutions Working Group Terms of Reference" (United Nations Somalia and ReDSS, 2020), on file with the author.

FMS and the BRA.[185] The Office of the Prime Minister and the MoPIED chair the Secretariat.[186] Similar secretariat structures have also been established at the FMS and municipal levels. The Durable Solutions Secretariat also feeds into MDDS, although the work of the MDDS may have been temporarily suspended.[187]

A range of activities has also been carried out to better conceptualize durable solutions to and the end of displacement in Somalia. Informants noted the importance of considering needs and vulnerabilities, the drivers and triggers behind each displacement and the lived experiences over the course of the displacement, whether short-term or protracted. To mitigate harms that may result from interventions, the importance of considering the predicament of displaced populations as well as that of hosts and other urban poor was highlighted. "One-size does not fit all, in terms of programming" and a tailored approach is necessary. In this context, stakeholders have sought to promote efforts to measure and to adapt durable solutions programming. These endeavours have resulted in indicators and core programming principles.[188] Some informants noted the need to better incorporate protection dimensions, in addition to physical and material safety. In some parts of Somalia, bottom-up, community-driven actions plans are amalgamated to prepare district or area-based documents under local leadership. Practice changes to durable solutions programming, design and implementation that involve multisectoral and broader coalitions of actors are taking shape, even if it remains challenging to aggregate concrete figures on the number of lives that have been improved due to different definitions and results indicators.[189]

Coordination and capacity-building

The MoHADM is the lead national institution responsible for humanitarian aid and emergency response coordination. It was established in March 2017 to lead responses to humanitarian crises and to improve the lives of vulnerable groups such as IDPs and returnees. It is responsible for the development of effective mechanisms to coordinate, monitor, evaluate and share information on emergency operations throughout the country and related key functions, including policy and planning.[190] While the MoHADM is responsible for coordinating and monitoring emergency responses, many activities occur at the FMS and local levels. As noted, the NPRRI provides for the establishment of an Inter-Ministerial Task Force for Refugee Returnees & IDPs, to serve as national coordination mechanism, and on which FMSs are also included, however, it appears that this body is yet to be established.[191] The MDDS provides for a

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185 Ibid.

186 Email communication, on file with the author.

187 Email communication and correspondence, on file with the author.

188 See "Somalia: Data and analysis to inform collaborative approaches to finding durable solutions" (GP20, 2020). Available from https://www.globalprotectioncluster.org/wp-content/uploads/somalia_DA.pdf (accessed January 2021)

189 See also footnote 155 and 174 (Somalia, Durable Solutions Unit of the Integrated Office of the Deputy Special Representative of the Secretary-General, Resident and Humanitarian Coordinator, 2019).

190 "Minister's message" (Somalia, Ministry of Humanitarian Affairs and Disaster Management, n.d.). Available from https://mohadm.gov.so/ministers-message/ (accessed November 2020. According to informants, the Ministry of Interior previously housed the Somalia Disaster Management Agency and a humanitarian department, which were brought together under the MoHADM.

191 Correspondence on file with the author suggests that as at the end of 2020, this body has not been formally established. This correspondence also suggests that the main bodies where IDP issues are addressed include the Durable Solutions Secretariat and also the Cabinet Committee on Social Development.

forum for coordination of aid at the operational level between the federal government and international donors and actors.[192]

International humanitarian actors

Humanitarian actors play an important role in supporting government actors and institutions to assist and protect IDPs and other populations in Somalia. Yet, humanitarian actors also have limited access outside urban centres, which means local humanitarian partners implement many programmes and activities. With respect to coordination within the United Nations system, the physical location of international humanitarian and political actors in the same "compound" provides opportunities for better humanitarian and political coordination.

In general, informants indicated that the coordination structures for humanitarian response, including as undertaken through the cluster system and the leadership of United Nations actors, function adequately. Nonetheless, better coordination with government actors was highlighted as necessary, notwithstanding the challenges presented by limited government capacity and competing mandates. Indeed, while technical staff have been seconded into government positions, and there are growing efforts to build robust coordination structures, informants suggested that there are insufficient efforts to truly engage and build the capacity of government actors. More concerted efforts to *only fill gaps*, and to support and give government actors the opportunity to "do their job", were highlighted as essential to foster and sustain stronger government leadership.

More recently, non-traditional aid providers such as private aid companies and telecommunication actors have become involved in supporting flood-affected populations. Informants perceived that this might be a reaction to the visibility of such displacements. They highlighted complexities related to uncoordinated and "unprincipled" distribution of aid, noting situations that have resulted in tensions due to the failure to consider clan dynamics or non-discriminatory distribution of aid.

Cross-sectoral engagement in policy development

Informants suggested that in the "climate change space" (as well as the DRR and resource management spaces), not many humanitarian actors are proactively involved in policy-level discussions. Conversely, development actors are less engaged in policy development related to displacement, although this dynamic is perhaps changing, particularly in the context of discourse on durable solutions and resilience. According to some informants, the process of developing the RRF brought together humanitarian and development actors and strengthened the interface between actors working on resilience and recovery. Another example of this is the development of the NDP 9, which also brought together such actors. While the development of the RRF has brought together key multisectoral actors, and important steps have also been taken on DRR and preparedness measures in the past few years, including through informal platforms, informants perceived that much of the collaboration is focused on information-sharing. In this respect, the need for greater collaboration and engagement at the policy development and the

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[192] Correspondence on file with the author. This correspondence also indicates that while the body had met, it may not be very active. There are also efforts to create new arrangements under the Somali Development and Reconstruction Facility (SDRF) which may abolish the sub-working group and place displacement issues elsewhere.

implementation stages were highlighted.

Prevention, preparedness, climate change and early warning

In general, informants perceived greater awareness and discourse on the importance of prevention activities and the potential for "cost savings" associated with investment in prevention infrastructure, including in insufficiently serviced rural communities. Such "returns" include the possibility of preventing or mitigating displacement in a context where "prevention is a solution".[193]

Beyond efforts to address drought-related recovery and resilience in line with approaches and structures set out in the RRF framework, there is also growing engagement on flood mitigation to minimize associated risks, including displacement. Recognition of the possibility of addressing irrigation, riverbank erosion and other structural change is reflected in the pledges that Somalia made at the Global Refugee Forum which included a commitment to finding permanent solutions for recurring flood cycles that lead to displacement along the Shabelle and Juba rivers within five years (see above discussion). Multiple donors have supported programming in this area and informants highlighted specific projects including one to mitigate riverbank erosion and flooding through better drainage systems and another to relocate IDP populations. Other activities include water tracking and planning to build the necessary infrastructure to develop water resources, including in cities. Informants also highlighted the importance of addressing mitigation and prevention in rural areas of "origin" to support pastoralists and herder communities to mitigate their "displacement". Activities under the RRF are intended to contribute towards these objectives.

A small number of international actors who work in Somalia also have diverse programming. This may include prevention-related activities such as "stabilization" in areas released by Al-Shabaab or efforts to support platforms for dialogue in the context of clan-related violence, emergency response and humanitarian assistance and solutions programming. Engagement across phases provides a more holistic vision of the displacement cycle, needs and vulnerabilities. Other actors also work on the peaceful resolution of conflict and the prevention of extremist violence, although it was difficult to obtain perspectives from these actors to gauge perceptions of effectiveness.

While explaining that disasters and conflict are predictable in Somalia, informants also suggested that climate change has impacted predictions and early warning mechanism. Alert and warning systems have been established to provide more robust warnings related to a range of shocks, which include the propensity for drought, rainfall variability, water shortages, and food security and some informants indicated that protection dimensions could perhaps be better captured in these systems.

Funding

Informants highlighted the limitations of aid dependency and donor fatigue, acknowledging the various efforts that have been made to streamline and create better information and structures related to funding streams.

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[193] Informant interview on file with the author.

6. Interviews and acknowledgements

Fourteen remote interviews were conducted with a total of 19 key informants between June and November 2020 to gain insights on recent developments and practice. In general, informants were based in Somalia or in the subregion (although some were, at the time of the interview, home-based due to COVID-19 related relocation).

Organization	Number of interviewees
Durable Solutions Unit (MoPIED) (Federal)	1
International Organization for Migration (IOM)	4
Ministry of Humanitarian Affairs and Disaster Management (MoHADM) (Federal)	1
National Commission for Refugees and IDPs (NCRI) (Federal)	2
United Nations Office for the Coordination of Humanitarian Affairs (OCHA)	1
One United Nations	1
Regional Durable Solutions Secretariat (ReDSS)	2
Somalia NGO Consortium	1
United Nations Development Programme (UNDP)	1
United Nations High Commissioner for Refugees (UNHCR)	2
World Food Programme (WFP)	1

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