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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani**

### **Addendum**

### **Mission to Maldives\***

#### *Summary*

The Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official mission to Maldives from 16 to 21 July 2011, at the invitation of the Government of Maldives. Pursuant to the Special Rapporteur's mandate, contained in Human Rights Council resolution 14/6, he sought to examine the achievement of durable solutions as regards persons internally displaced as a result of the 2004 tsunami, as well as issues related to potential internal displacement in the future due to the effects of climate change and other factors.

The Special Rapporteur commends the Government of Maldives for its leadership at the international level in raising awareness of the effects of climate change and promoting sustainable development. He also commends the Government for its efforts at the domestic level, particularly with regard to disaster risk reduction and other prevention measures, and for making protection and assistance to those displaced in the aftermath of the 2004 tsunami a national priority.

On the basis of his country visit, the Special Rapporteur concludes that a national framework on internally displaced persons, in line with international human rights and the Guiding Principles on Internal Displacement, is now necessary in order to complement the above initiatives. In this context, he urges the Government of Maldives to put in place, with the support of the international community, relevant policy, legislative and institutional frameworks to address current and potential situations of

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\* The summary is being circulated in all official languages. The report, which is annexed to the summary, is being circulated in the language of submission only.

internal displacement in the country, whether due to sudden or slow-onset natural disasters.

## Annex

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on his mission to Maldives (16 to 21 July 2011)**

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## I. Introduction

1. In accordance with his mandate, contained in Human Rights Council resolution 14/6, and at the invitation of the Government of Maldives, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, conducted an official visit to Maldives from 16 to 21 July 2011. The Special Rapporteur undertook this visit in order to examine the current situation of persons who were internally displaced as a result of the 2004 tsunami, and to assess in particular the achievement of durable solutions. He also sought to study issues related to risks of potential internal displacement in the future, including due to environmental factors and the effects of climate change. The Special Rapporteur's conclusions and recommendations are based on his findings during his visit, and on the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which have been recognized by States as an important international framework for the protection of internally displaced persons (IDPs).<sup>1</sup>

2. During the course of his visit, the Special Rapporteur met with the President of Maldives, Mohamed Nasheed; the Minister of Home Affairs, Hassan Afeef; the Attorney General, Uz Abdulla Muizzu; then Minister of State for Defence and National Security, Mohamed Muizzu Adnan; the Minister of Health and Family, Aminath Jameel; then Minister of Finance and Treasury, Ahmed Inaz; the Minister of Housing and Environment, Mohamed Aslam; the Minister of Foreign Affairs, Ahmed Naseem; officials from the Local Government Authority; the Chief Coordinator of the National Disaster Management Centre, Ilyas Hussain Ibrahim; and Members of Parliament (Majlis). He also met with civil society organizations, United Nations agencies, and local environmental experts. In addition to Male, the Special Rapporteur had the opportunity to visit sites of displacement affected by the 2004 tsunami on the island of Meemu Kolhufushi, and the island of Shaviyani Komandoo, which is experiencing the effects of climate change. In this context, he met with affected communities, local civil society groups and island councils.

3. He wishes to express his gratitude to all of his interlocutors, who provided him with an understanding of the environmental and displacement challenges in Maldives. In particular, he is grateful to the Government of Maldives for its invitation and willingness to engage in constructive dialogue, the Office of the United Nations Resident Coordinator and the United Nations Development Programme (UNDP) in Maldives, which facilitated and supported his visit, and the United Nations Country Team (UNCT), as well as the internally displaced persons he met with and who shared their insights and concerns with him.

## II. General context

### A. Geographic, socio-economic and political context

4. As a small island developing State, the geography of Maldives has a significant impact on the political, social, and economic life of the country. An archipelago composed of coral atolls with 1,190 islands, of which 192 are inhabited, Maldives covers a dry-land area of approximately 300 square kilometres,<sup>2</sup> with a population of about 350,000. Approximately 80 per cent of the land in the country is less than 1.5 metres above sea level, rendering it vulnerable to various natural disaster risks. Over 35 per cent of the population

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<sup>1</sup> General Assembly resolutions 60/1, para. 132; 62/153, para. 10; 64/162, para. 11; and Human Rights Council resolutions 6/32, para. 5, and 14/6, para. 9.

<sup>2</sup> National report submitted by Maldives under the universal periodic review (A/HRC/WG.6/9/MDV/1/Rev.1 and Corr.1), para. 7. Most of its islands are smaller than 1 km<sup>2</sup>.

of Maldives live in Male, the capital island, while most other islands have a population of less than one thousand (A/HRC/WG.6/9/MDV/1/Rev.1 and Corr.1, para. 7), making the provision of public services and infrastructure difficult.

5. Maldives is largely dependent on the tourism and fishery sectors, which constitute 35 per cent of the gross domestic product (GDP) and over two thirds of export earnings and employ 18 per cent of the labour force.<sup>3</sup> However, both economic sectors are vulnerable to climate change impacts and fluctuations in international markets. In addition to coastal erosion of tourist resorts, projected rises in ocean temperatures due to climate change and development activities such as reclamation projects and dredging threaten the sustainability of coral reef ecosystems<sup>4</sup> upon which both the fisheries and tourism industries depend. Projections of a rise in sea levels also threaten the country's biodiversity sectors more generally, which contribute to 71 per cent of national employment, and 89 per cent of its GDP, as well as its very existence.<sup>5</sup>

6. This socio-economic vulnerability is exacerbated by the fact that most staple foods in Maldives must be imported, and are therefore subject to currency and market fluctuations. Despite these challenges, Maldives ranked 107th out of 169 countries on the human development index in 2010, placing it above the regional average in South Asia.<sup>6</sup> This is due to the significant growth rate in the economy since 1995, as well as commitments to strengthen performance in the social sectors.

7. Significant rural/urban inequalities persist however, with a labour market which is heavily concentrated in and around Male, while households in other outer atolls depend largely on fishing, agriculture and self-employment and are disproportionately affected by poverty, and lack of services.<sup>7</sup> While the unemployment rate is estimated at 14.4 per cent, an even larger percentage of the population (15 years of age and over), namely, 38 per cent, do not participate in the labour market at all,<sup>8</sup> with women and youth being particularly affected. Based on a poverty line of US\$3 a day, 19 per cent of the population are considered poor, with 60 per cent of these poor located in the atolls, especially in the north and north-central regions.<sup>9</sup> Moreover, the country's important public deficit is likely to render it difficult to maintain attention on socio-economic priorities.<sup>10</sup>

8. Following the country's independence in 1965 and the 28-year rule of former President Maumoon Abdul Gayoom, the country held its first multiparty elections in 2008, in which President Mohamed Nasheed came to power. The same year, a new Constitution was also adopted, which establishes the country as a democratic republic with a presidential system of government, and provides for the separation of powers between the different branches of government, a fully elected Parliament and new human rights guarantees. The Constitution also provides for a decentralized system of administration with elected atoll councils, island councils and city councils (A/HRC/WG.6/9/MDV/1/Rev.1 and Corr. 1, para. 14). At the time of writing of the present report, many of the reforms related to decentralization were in the initial phases of implementation.

<sup>3</sup> Maldives, *Millennium Development Goals: Maldives Country Report 2010* (Male, Department of National Planning, 2010), p. 19. Available from [http://planning.gov.mv/mdg/MDG%20report%20final%20\(july%2011\).pdf](http://planning.gov.mv/mdg/MDG%20report%20final%20(july%2011).pdf).

<sup>4</sup> *Ibid.*, p. 15.

<sup>5</sup> *Ibid.*

<sup>6</sup> UNDP, *Human Development Report 2010* (New York, 2010), p. 145.

<sup>7</sup> Maldives, *Millennium Development*, p. 9.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, pp. 27-28.

<sup>10</sup> *Ibid.*, p. 20.

## **B. Human rights situation**

9. In recent years, Maldives acceded to key international human rights instruments,<sup>11</sup> and in 2010 participated in the universal periodic review process, during which the threat of climate change was noted as posing an existential threat to the country and as already undermining a wide range of human rights (A/HRC/16/7, para. 18). In this regard, recommendations were made to Maldives to take the necessary measures with regard to post-disaster reconstruction and adaptation to climate change, using a human rights-based approach, and to ensure a process of consultation with concerned communities, which pays special attention to certain groups such as women, children and persons with disabilities (ibid.).

10. Chapter II of the 2008 Constitution expressly provides for human rights guarantees and freedoms for “everyone”, without discrimination, although there continues to be a need to put in place secondary legislation.

11. While originally established in 2003, the Human Rights Commission of Maldives was recognized as an independent constitutional entity in the 2008 Constitution. Members of the Commission, who are nominated by the President and approved by the Majlis (Parliament), are empowered both to promote human rights and to investigate complaints of violations.

## **C. Context of internal displacement in Maldives**

### **1. Potential internal displacement in the future**

12. As a small island nation, Maldives has a long history of resilience in the face of its delicate geographic and environmental profile. However, pressures in the form of climate change factors now increase the threat of rising sea levels and sea temperatures, as well as more frequent and severe weather events. A total of 90 inhabited islands have been flooded at least once in the course of the last six years, and 37 islands have been flooded regularly, at least once a year.<sup>12</sup> Given that over 40 per cent of the population and housing structures in Maldives are within 100 metres of the coastline,<sup>13</sup> flooding and other natural disaster risks threaten to damage infrastructures and the provision of essential services potentially affecting food security, livelihoods, health and the overall well-being of vulnerable groups<sup>14</sup> such as children, the elderly and the poor, in particular.

13. Population density, salination, and coastal erosion compound the social and economic vulnerabilities of the Maldives population—which is already affected by the scarce existence of natural resources, including land, and the lack of freshwater sources—rendering eventual internal displacement inevitable for the inhabitants of many small islands. This threat of internal displacement in Maldives is in the context of other key concerns, which include the vast geographic expanse over which the small islands are located, the difficulties in reaching and servicing these, the lack of sufficient land, and the overcrowding in many of the more urbanized or well-serviced islands, which precludes most IDPs from resettling there, including in Male, which is the focus of most political and

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<sup>11</sup> See [www.ohchr.org/EN/countries/AsiaRegion/Pages/MVIndex.aspx](http://www.ohchr.org/EN/countries/AsiaRegion/Pages/MVIndex.aspx).

<sup>12</sup> A. Shaig, “Climate change vulnerability and adaptation assessment of the land and beaches of Maldives”. Technical Papers to Maldives National Adaptation Plan of Action for Climate Change. (Maldives, Ministry of Environment, Energy and Water, 2006).

<sup>13</sup> Maldives, *National Adaptation Program of Action* (Ministry of Environment, Energy and Water, 2007), p. 20.

<sup>14</sup> Maldives, *Millennium Development*, p. 15.

economic activity and formal employment opportunities. Indeed, while the population growth rate in Maldives has been decelerating, increased life expectancy, internal migration, consumption and other development factors have led to overcrowding and other pressures on some islands.

14. Given the specific environmental and physical characteristics of Maldives, the country is considered vulnerable to multiple natural disaster risks, both sudden and slow-onset, which threaten the infrastructure, biodiversity and environmental sustainability of many islands, to the extent of potentially rendering them unfit for human habitation, or requiring significant measures to rehabilitate or decongest them in the future. Moreover, projections of a rise in sea levels of 88 cm between 1990 and 2100, according to the worst-case scenario, would imply that many islands of Maldives could be either submerged or uninhabitable,<sup>15</sup> but also that many islands are likely to face a severe risk of inundation much before that, as the sea rises. Some experts believe that disaster risk reduction can perhaps delay this prospect by decades.<sup>16</sup> However, all of the above factors point to a situation in which potentially important levels of internal displacement can be anticipated, as well as a possible need in the future to find alternatives outside the physical territory of Maldives.

## 2. Tsunami of 2004

15. The single largest natural disaster to impact Maldives in recent history, and the only experience of Maldives in managing large-scale internal displacement, was the Indian Ocean tsunami of 2004, which devastated the country's economic and social infrastructure, and resulted in losses exceeding 62 per cent of gross domestic product (GDP).<sup>17</sup> These losses, which were proportionately much higher than those experienced by other countries, such as India, Sri Lanka and Thailand, which lost less than 3 per cent of their GDP,<sup>18</sup> demonstrate the extreme vulnerability of Maldives to the impact of such events. The tsunami severely affected the infrastructure of the country, and destroyed or damaged thousands of homes, displacing an estimated 12,000 people from their islands, and causing another 8,500 persons to be temporarily relocated to other places within their own islands. According to Government authorities, 39 islands were significantly damaged, while 14 islands were completely destroyed and had to be evacuated.<sup>19</sup>

16. Restoring these houses and getting the displaced back to their homes was a priority for the Government, the United Nations and many international stakeholders. However, at the time of the visit by the Special Rapporteur, 1,600 persons were still living in temporary shelters in very difficult conditions, while awaiting the construction of their houses.

<sup>15</sup> Maldives and the United Nations, "Maldives Low Emission Climate Resilient Development Programme, August 2011", p. 3.

<sup>16</sup> International Strategy for Disaster Reduction, "Maldives Government endorses world's first strategic national action plan integrating disaster risk reduction, climate change adaptation", press release, 24 June 2011. Available from [www.unisdr.org/archive/20500](http://www.unisdr.org/archive/20500).

<sup>17</sup> Maldives, *Millennium Development*, p. 15.

<sup>18</sup> Ibid.

<sup>19</sup> World Bank, Asian Development Bank, United Nations system, "Republic of the Maldives: tsunami-impact and recovery", joint needs assessment (2005), para. 3.

### III. Responses to and preparedness for internal displacement

#### A. Domestic response

17. As the first experience in their recent history of a disaster and displacement of such magnitude, the 2004 tsunami prompted the Government of Maldives to put in place new assistance programmes and institutions for IDPs which had not existed previously, such as an inter-ministerial committee (headed by the Minister of Defence and National Security), a task force to address relief operations, and the National Disaster Management Centre (NDMC).

18. A number of important initiatives have been undertaken since then in order to develop policy, legislative and institutional frameworks, focusing principally on disaster risk reduction, climate change and environmental sustainability. The latter in particular is a key component of the country's development policy,<sup>20</sup> and is recognized by the new Constitution, which mandates the protection of the environment as a key human right.<sup>21</sup>

19. The chief legislative initiative has been the Disaster Management Bill, the last version of which dates from 2009. The Bill seeks to establish the specific roles and responsibilities of the different levels of government with regard to the effective coordination and management of disasters and related matters. It envisages the creation of a national disaster management council, a disaster management steering committee and a national disaster management authority (analogous to the NDMC) that has a broad mandate to promote an integrated and coordinated system of disaster management, with a special emphasis on risk reduction and mitigation.

20. Moreover, the Bill proposes a mainstreaming and decentralization strategy, with broad responsibilities for disaster prevention, mitigation and response, capacity-building and the allocation of funds for these, assigned to every Ministry, Department and provincial-level government authority. A municipal disaster management committee is in charge of ensuring an integrated and uniform approach to disaster management, while provincial-, atoll- and island-level disaster management committees have been assigned coordination, monitoring, preparedness, response and awareness-raising roles, and can receive claims and appeals emerging from a natural disaster.

21. While valuable for the purposes of establishing the roles and responsibilities of Government actors and coordination mechanisms in situations of natural disasters, the Special Rapporteur believes that the Bill should also provide a framework with regard to potential internal displacement. He encourages the finalization of the Bill, which has been pending for some time, at the earliest opportunity, in consultation with key stakeholders, and the incorporation within this Bill of a framework on internal displacement, in line with international human rights standards and the Guiding Principles on Internal Displacement.

22. In June 2011, the Government of Maldives endorsed the Strategic National Action Plan for Disaster Risk Reduction and Climate Change Adaptation 2010-2020 (referred to as the "SNAP"), which provides a road map for dealing with natural disasters and climate change. The action plan aims to build the resilience of the nation and island communities to disasters and climate change impacts by consolidating good practices, incorporating risk reduction into decentralization and sustainable development strategies, and identifying a set of specific programmes to be undertaken by the Government together with development partners and possible donor assistance. Its four main areas of focus include actions to

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<sup>20</sup> Maldives, Strategic Action Plan: Framework for Development 2009-2012.

<sup>21</sup> United Nations, *Situation Analysis of Emerging Development Challenges and Opportunities in Maldives* (2010), p. 47.



promote good governance, empowered and resilient communities with access to knowledge and other resources, and risk-sensitive regional and local development.

23. The latter, in particular, is intended to enhance security and safe spaces for vulnerable communities through safe housing and community infrastructures, coastal protection projects, risk-sensitive use of land and development strategies, and livelihoods and social protection measures. This protection and disaster risk reduction programme will be piloted in five vulnerable islands experiencing severe beach erosion.

24. The Special Rapporteur appreciates the importance accorded to good governance and legal preparedness in the SNAP, as well as measures such as the development of community-based disaster risk management strategies, and regional development programmes focusing on vulnerable communities (through social protection safety nets, livelihoods and hard-protection projects to prevent beach erosion). He notes that these are not only essential to disaster risk reduction and climate change adaptation but are also key to preventing internal displacement and minimizing its negative impact, in line with the Guiding Principles on Internal Displacement (principle 7). However, he notes that, as with the Disaster Management Bill, internal displacement is not addressed in the SNAP.

25. The Special Rapporteur believes that, particularly in the context of Maldives, a policy, legal and institutional framework on internal displacement in line with the Guiding Principles and a human rights-based approach would be necessary components of a preparedness and climate change adaptation strategy. A number of guidance documents can be used to support the integration of internal displacement issues in national action plans and relevant legislation, including, *inter alia*: the Operational Guidelines for the Protection of Persons in Situations of Natural Disasters (A/HRC/16/43/Add.5), and the Framework on Durable Solutions for Internally Displaced Persons (A/HRC/13/21/Add.4). The draft Framework on IDP Management in Maldives, based on international standards and the lessons learned on IDP management, commissioned by the NDMC in 2009, may also be useful in this regard.

26. More recently, Maldives has endorsed the Maldives Low Emission Climate Resilient Development Programme.<sup>22</sup> The programme seeks to take a new approach to climate change by narrowing its geographic focus and increasing resilience in one particularly vulnerable area of the country, namely in the Laamu atoll, with the aim of seeing visible results for potential replication elsewhere, rather than dispersing their efforts over a wide geographical area. In keeping with the country's overall strategy, the programme takes a climate-resilient, low carbon development approach which integrates strategies to address energy security, rising sea levels, water and sanitation, disaster risk reduction, natural resources and sustainable growth. It also seeks to address socio-economic vulnerabilities by integrating livelihood, food security and health issues, and to build the capacity of local authorities.<sup>23</sup>

## 1. Institutional frameworks

27. Created in the aftermath of the 2004 tsunami, the NDMC was officially responsible for coordinating relief and recovery programmes. It was composed of three major divisions, focusing on relief coordination, recovery and reconstruction programmes, and logistics, as well as an IDP Management unit, responsible for the provision of protection and assistance to IDPs, the management of transitional camps, and registration. In addition to NDMC, the President set up an inter-ministerial committee under the Minister of Defence, and a task force to handle the relief operations. The logistical resources of the Ministry of Defence were used at the island level to assist victims and support civil and private engagement in

<sup>22</sup> Maldives and the United Nations, "Maldives Low Emission" (see footnote 15 above), p. 4.

<sup>23</sup> *Ibid.*, pp. 5 and 7.

the disaster response.<sup>24</sup> The Ministry of Defense, the Ministry of Planning and National Development, and the Ministry of Finance and Treasury were instrumental in the response effort, and the NDMC relied on the capacity of these ministries (information, staff and resources) in order to ensure the provision of the essential services and assistance to IDPs. In order to administer the national and international tsunami-related funding, the President established the Tsunami Relief and Reconstruction Fund.<sup>25</sup>

28. At the time of the country visit, the NDMC was still considered the centre officially responsible for IDP issues, and in charge of providing assistance to the remaining IDPs living in temporary shelters as a result of the tsunami. The NDMC, under the Ministry of Housing and Environment, is currently composed of a small staff of three to four persons, and appears to have been undergoing a period of transition and uncertainty as to its future for several years, which persisted at the time of the visit.<sup>26</sup> It is expected however, that the specific role and functions of the NDMC and other relevant actors addressing natural disasters will be clarified in line with the Disaster Management Bill, when it comes into effect. In the course of the Special Rapporteur's interactions with IDPs, local and other actors, the NDMC clearly emerged as the key institutional reference point for all issues related to internal displacement and assistance.

29. At the time of the visit, Maldives had also recently engaged in a new decentralized system of local governance, involving the election of councils at the island and atoll levels, responsible for local development planning and local services. The councils are also responsible for many aspects of disaster risk reduction and response, and the implementation of environmentally sensitive development plans at their respective levels. There are concerns however, that capacity constraints, the lack of trained local leadership, and the lack of experience with this approach, could pose a challenge to the ability of the councils to effectively implement their functions. There are further concerns that the councils may not be provided with the financial resources required to either strengthen their capacity or implement the multifaceted policies of the Government, which integrate a complex variety of elements (for example renewable energy, climate resilience, disaster preparedness, adaptation measures). The island councils with which the Special Rapporteur had the opportunity to meet expressed interest in receiving training, evoked the need for awareness-raising among their communities, and felt the new structure allowed them more decision-making power over local development and access to relevant authorities in the capital.

## **B. International response**

30. The presence of the international community in Maldives increased significantly in the aftermath of the 2004 tsunami, which saw the arrival of many new United Nations agencies and international organizations. Together with local partners, these contributed to efforts related to food distribution and reconstruction programmes. Based on the needs identified in the 2005 Joint Needs Assessment of the tsunami damage, an estimated US\$375 million was received in international funding towards the National Reconstruction and Recovery Plan.<sup>27</sup>

31. In 2006, the UNCT in Maldives, together with national partners, undertook an assessment of the main challenges in achieving national development priorities. This

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<sup>24</sup> NDMC, "Lessons learnt on IDP management in the Maldives" (draft report), May 2009, executive summary, pp. 1-2.

<sup>25</sup> *Ibid.*, p. 2.

<sup>26</sup> *Ibid.*, p. 3.

<sup>27</sup> *Ibid.*, p. 2.

assessment served as a basis for the first United Nations Development Assistance Framework, more recently followed by the 2011-2015 version, which contains key components relating to economic development, environmental management, climate change and disaster risk reduction. In keeping with objectives in these areas of concern, the UNCT has contributed to a number of important government efforts including the SNAP, and various climate change adaptation, disaster risk reduction, and environment projects since the 2004 tsunami.<sup>28</sup>

32. With regard to internal displacement in particular, the United Nations Development Programme supported the efforts of the NDMC by providing the services of a consultant to work on lessons learned on the management of IDPs in Maldives, and to develop a framework on IDP management based on international standards and experience gained from the past.<sup>29</sup>

## IV. Protection of internally displaced persons

### A. Protection through prevention, preparedness and mitigation

33. The particular context of Maldives is one which will require ongoing prevention, mitigation and preparedness measures, as the delicate island environments, already under pressure due to a variety of factors, are further challenged by the effects of climate change, including in the form of more frequent and severe weather events and a rise in sea levels. According to information provided by the Government during the country visit, at least 20 to 25 households are relocated from the beachfront to other islands or inland every year.<sup>30</sup> However, the extent of coastal erosion and flooding alone in many islands indicates a problem that is growing fast and will likely require multifaceted solutions tailored to the unique situation of each island. In 2004, over 97 per cent of inhabited islands reported beach erosion, 64 per cent of which was considered severe.<sup>31</sup> More recently, the Human Rights Commission of Maldives has also drawn up a list of 43 islands that deserve prioritization in terms of their needs for coastal protection.

34. Land reclamation projects<sup>32</sup> and protective walls have been key features of the Government response to these problems. While engineering techniques in relation to these measures appear to have improved over the years, continued care, environmental assessments and research is encouraged in this respect so that land reclamation projects do not have an adverse impact on reefs and the natural resilience of some islands. Relatedly, continued care is necessary to ensure that the pressures of overcrowding and infrastructure built around and on the islands, such as badly planned and obtrusive harbours, do not negatively affect sea movements (thereby increasing coastal erosion) or other aspects of island or atoll environments. Overcrowding in some islands has led not only to a deterioration in the island environment but has also been at the heart of land reclamation projects for the purpose of community expansion. Similarly, while hard protective walls continue to be popular among the residents of some islands, these have been shown to increase the impact of sea swells and high waves, which hit the islands harder and render

<sup>28</sup> For details on these projects see [www.beta.undp.org/undp/en/home.html](http://www.beta.undp.org/undp/en/home.html) and [www.un.org.mv/v2/](http://www.un.org.mv/v2/).

<sup>29</sup> Both projects took place in 2009 and resulted in the draft report entitled "Lessons learnt on IDP management in the Maldives", and the draft Framework on IDP Management in Maldives.

<sup>30</sup> Meeting between President Nasheed and the Special Rapporteur, 17 July 2011.

<sup>31</sup> Maldives and the United Nations, "Maldives Low Emission" (see footnote 15 above), p. 3.

<sup>32</sup> Reclamation projects entail dredging the deep sea around the island, bringing this sand to the beach front so as to increase its land mass, and putting in place protective soft walls around the shore to protect the reclaimed land from continued erosion.

them more vulnerable, in contrast to softer engineering techniques or the development of natural barriers to flooding, such as mangroves.<sup>33</sup>

35. The prioritization of islands for different types of preventive engineering measures, such as protective barriers and reclamation projects, as well as repairs of damage regularly incurred to housing and infrastructures on the islands and environmental projects, is a matter of intense competition and controversy in the country, which must be dealt with in accordance with principles of transparency, consultation and impartial environmental risk and needs assessments. Putting in place such systems is a matter of priority given the growing needs due to environmental pressures, the limited Government budget, and the need to consolidate good governance and the new human rights and democratic institutions in the country.

36. The Government of Maldives has embarked on a comprehensive framework and action plan in terms of disaster risk reduction and other measures to prevent or minimize damage resulting from natural disasters and the effects of climate change. Many of these legal, policy and strategic action frameworks are at an advanced stage of development or have already been adopted, and are integrated in the country's overall development plans. In addition to projects to protect islands from soil erosion and flooding, the Government of Maldives is also promoting a concept of sustainable development which takes into account the possible need to develop new alternative forms of livelihoods, energy sources, social safety nets, and to generally adapt lifestyles so as to render life more sustainable on the islands. Within this context, climate change mitigation and adaptation measures taken by Maldives, which are aimed at establishing the country as carbon neutral, are also both commendable and farsighted, setting an important international example. Many of these initiatives are based on an understanding that the narrative of climate change and adaptation must also include its effect on human rights, including social economic and cultural rights. The Special Rapporteur commends this integrated and preventive approach, which has the important feature of also preventing or minimizing the potential for internal displacement.

37. At the same time however, the Special Rapporteur notes that this singular focus on prevention has resulted in a failure to systematically put in place a national framework to actually address internal displacement, which is predicted to increase as a result of both sudden-onset and slow-onset natural disasters. Initiatives undertaken in the context of the 2004 tsunami, at the policy and institutional levels and in terms of lessons learned, have never been finalized, and have not been integrated into related Government plans or legislative initiatives. At the institutional level, the NDMC, which has lingered in an uncertain situation for the last several years, is also at risk of losing the knowledge base and institutional expertise it gained from managing internal displacement and related issues since the tsunami. The Special Rapporteur believes that preparedness must also include putting in place policy, legal and institutional frameworks, which are founded on a human rights-based approach and in line with international standards, to address, manage and minimize the effects of eventual internal displacement at all stages.

38. The example of the island of Komandoo, which the Special Rapporteur visited in the course of the country visit, is illustrative of many of the pressures as well as the potential solutions mentioned above. Densely populated, with over 1,745 persons within a total space of 6 acres, the island has been experiencing worsening environmental problems since 2000, including salination, damage to houses and other infrastructure due to high waves and rough seas. A sea wall 1,300 metres long was built around the island in 2000, but has been

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<sup>33</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on her mission to Maldives (A/HRC/13/20/Add.3), paras. 16-17, 32-33.

severely damaged over the years.<sup>34</sup> Due to population density, there is no green space left on the island, many homes are located 1.5 metres from the sea, thereby suffering frequent damage, there is no waste management system at the moment, and concerns have been raised to the effect that the sanitation system may no longer be sufficient for the needs of the island.<sup>35</sup>

39. The population of the island has requested that measures be taken to address these issues, including the building of a strong sea wall around the island, and a land reclamation project to ease the overcrowding, which would gain an estimated 25 feet of additional land around its entire circumference at a cost of US\$2 million. During a meeting with the community, residents of the island expressed varying opinions about the project. While the majority approved of the reclamation of Komandoo, many thought that in order to ease the congestion on the island in any meaningful way, the reclamation of the neighbouring island would also be necessary. A few expressed concern that while these projects were welcomed, in the long term they would not be sufficient to solve the social issues on the island related to housing, and that the island was not “safe” at the moment.

40. However, the overriding concern shared by residents of the island was the risk that they would be forced to leave the island, lose their properties and have to establish new livelihoods elsewhere. In the case of Komandoo, this would represent not only the loss of a considerably better standard of living than on many other islands, but also the loss of a well-developed infrastructure, including a health centre, mosque, island office and court, a desalination plant, and an education centre which included a high school that serviced the entire atoll. Moving from or abandoning the island would represent an important personal, community and atoll-wide loss.

41. At the time of the visit, the Government was studying the feasibility of these projects, including the reclamation project. It remained unclear to what degree and for how long this addition of 25 feet would ease the living conditions of the islanders, and whether the additional reclamation of the neighbouring island was physically or financially viable. Islands such as Komandoo illustrate the need to complement disaster risk reduction and reclamation projects that seek to prevent displacement with longer term strategies that also facilitate voluntary mobility and address possible eventual displacement.

42. In the course of the country visit, the Special Rapporteur had the opportunity to meet with members of the island councils on the islands he visited. He believes that because of the distinctive nature of each island and the distance between them, disaster response in Maldives must by its nature remain locally centred, with neighbouring islands assisting each other in the first phase of the disaster response. In this context, a decentralized policy which enables island and atoll councils to better prevent and respond to natural disasters and gives them responsibility for their local development could be a very positive step. He notes, however, that while the councils expressed satisfaction at being more directly responsible for these local affairs, they had to date been given little, if any, training or financial resources to undertake these new tasks. The Special Rapporteur would encourage the central Government to maintain a transitional phase of two to five years until the island councils can build capacity to assume all their new responsibilities, and budgetary and transfer mechanisms could be set in place.

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<sup>34</sup> Secretariat of the Komandoo Council, North Miladhunmadulu, “A report on the environmental impacts owing to soil erosion and other environmental problems”, 20 July 2011. Report provided to the Special Rapporteur during the visit.

<sup>35</sup> *Ibid.*, p. 5.

## B. Protection during displacement

43. The Special Rapporteur believes that in addition to a national framework on internal displacement that is in line with international standards, drawing on the lessons learned from the 2004 tsunami can offer valuable insights and inform future protection and assistance programmes in Maldives, where recurrent flooding and other natural disasters make displacement and relocation to safer islands a current reality. This was also the basis of a project in 2009 to support the NDMC in gathering lessons learned and good practices from the experience gained since 2004.

44. In the immediate aftermath of the tsunami, displaced communities were generally accommodated on a provisional basis, with host families in neighbouring islands, while temporary shelters were constructed. At the same time, the registration process was initiated, which proved complicated due to the changing and confusing criteria that were applied. For example, the criteria first applied related to the loss or damage to one's housing, but did not include families who were affected in other ways, while at a later stage persons who had not been affected by the tsunami, but who had applied to relocate to safer islands, were also permitted to register as IDPs.

45. Persons living in temporary shelters were provided with food and free utility services such as electricity and water for the period of their displacement. While generous, it was also found that this had negative effects on both IDPs and host communities, as it tended to prolong the stay in temporary shelters, encouraged dependency, thus creating vulnerability, and was a source of tension with host communities. Moreover, much of the support was based on blanket distributions rather than on consultations and needs assessments among the affected population, which would have allowed for prioritization and targeted assistance.<sup>36</sup> It was also found that the approach was top down, with the Ministry of Planning and National Development taking leadership with regard to national priorities and the development of relocation policies based on the concept of "building back better". This lack of involvement of IDPs in the prioritization of needs and the planning stage was considered later to be the cause for the continued lack of engagement by IDP communities in managing their own issues in the transition camps, the failure to form effective IDP committees and their lack of ownership in the reconstruction programmes.<sup>37</sup>

46. Due to a number of challenges, including price increases of construction materials, transportation issues, and community and partner cooperation, internal displacement lasted considerably longer than expected. This had a significant impact on islands hosting large number of IDPs, and forced communities from different islands to live together in difficult circumstances for prolonged periods, although little integration was observed between them.<sup>38</sup> In a number of cases, this led to tensions between IDP and host communities who felt neglected, since assistance and recovery programmes did not take account of their own needs. While in some cases host communities benefited from an upgrade of island services and facilities, which helped address the increase in the island population, overall it was found that most island authorities considered both the social and environmental impact to have been negative.<sup>39</sup>

47. At the time of the visit, an estimated 1,600 IDPs were still living in temporary shelters in very difficult conditions, seven years after the 2004 tsunami. The Special Rapporteur considers that the situation requires urgent attention and solution-oriented actions in order to allow these communities to finally rebuild their lives. In some cases,

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<sup>36</sup> NDMC, "Lessons learnt", executive summary, p. 2.

<sup>37</sup> *Ibid.*, pp. 2-3.

<sup>38</sup> *Ibid.*, p. 4.

<sup>39</sup> *Ibid.*, p. 5.

such as in the case of the island of Kolhufushi, out of a population of 700 persons, approximately 450 of them were still registered IDPs living in temporary shelters, pending the construction of new homes. A combination of factors, including insufficient experience and good practices to draw on in dealing with housing, land and community affairs by actors involved in reconstruction projects, and an inability to secure community consensus appears to have delayed the construction of the homes. Part of the issue concerned the decision of whether to regroup all the housing for the IDPs in a few clustered locations on the island, or whether they should be able to have homes reconstructed on each of the original plots. Issues were also raised with regard to the equity of providing the same housing to all islanders whose homes had been destroyed, irrespective of whether they had owned it, or the size and type of house they had owned in the past.

48. A compromise solution seems to have finally been agreed and at the time of the country visit, it was expected that the housing reconstruction would be completed within the space of one year. Conditions on the island remained of concern however. Small temporary shelters and other infrastructure such as sanitation facilities, which had been built for a short duration (six months to one year) had deteriorated significantly. The shelters were tiny, with tin roofs unsuitable for hot weather and the day-to-day living and privacy needs of families over a seven-year period. There were signs of apathy among the population, which had been living in uncertainty and had come to depend on government assistance for so long. The infrastructure of the island was poor, it had no functioning desalination plant or waste disposal system and had been affected by significant salination and coastal erosion, indicating that beyond housing, issues of living conditions in general and livelihoods also needed to be addressed on the island.

49. From the perspective of the Government, the long duration of government assistance and the complicated housing assistance implemented in Maldives raised the question of how long responsibility towards IDPs should be maintained and the criteria for ending it—a question that could usefully be addressed by a domestic framework on internal displacement in line with the Guiding Principles on Internal Displacement and guidance tools such as the Framework on Durable Solutions for Internally Displaced Persons.

50. In contrast to information that is available on the assistance programmes, little or no documented information exists with regard to protection programmes or protection concerns that may have been identified during the displacement phase, apart from tensions between a number of host and IDP communities, some of which required police interventions. While some socio-psychological services were made available, the duration of these was considered too short and the coverage appeared uneven. Despite the lack of documented evidence, it appears likely that for IDPs who remained living in temporary shelters over many years, this situation may have exacerbated social and even health problems linked to adverse living conditions, overcrowding, lack of privacy and inactivity.

51. With regard to the overall management of the internal displacement situation by Government authorities, it was found that the unit within NDMC specifically responsible for assistance and protection to IDPs relied heavily on atoll and island authorities on the ground, who were already overstretched. The provision of assistance was also challenged by the fact that IDP needs had to be regularly communicated to the capital and to several line ministries ultimately responsible for the execution of IDP-related activities. In addition, poor coordination and a lack of clearly defined responsibilities and roles resulted in significant delays of services. Nonetheless, the establishment of the NDMC was found to have generally facilitated communication and decision-making with regard to assistance activities.<sup>40</sup>

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<sup>40</sup> Ibid., p. 3.

### C. Durable solutions

52. According to the Framework on Durable Solutions for Internally Displaced Persons, a durable solution to internal displacement is achieved when “IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement” (A/HRC/13/21/Add.4, para. 8). IDPs often need assistance in resuming their lives and achieving durable solutions after being displaced, either in the form of return to their home or place of habitual residence, local integration in host communities, or resettlement elsewhere in the country. In this respect, the Guiding Principles on Internal Displacement (principle 28) provide that competent authorities have the primary duty and responsibility to provide the means and establish conditions to facilitate durable solutions to displacement for IDPs, whose decision must be informed, safe and voluntary.

53. A number of factors are conducive to attaining durable solutions, including re-establishing local economies and livelihoods, ensuring a transition early on from humanitarian assistance to early recovery and reconstruction, encouraging self-reliance in affected communities, and promoting their participation in activities at all stages of displacement. In situations of resettlement and relocation, strategies related to land, housing and livelihoods are essential, as is a community-based approach that takes into account the needs of receiving communities.<sup>41</sup>

54. As with other areas, the 2004 tsunami provided valuable experiences in the field of durable solutions. For instance, because the IDP programme essentially revolved around the loss and reconstruction of housing, there are concerns that other aspects of durable solutions, such as livelihoods, community integration, environmental damage to islands, and programmes to empower IDPs and involve them in identifying and developing their own solutions may not have been adequately addressed. Moreover, while the quality of the new houses provided through international assistance was generally good (A/HRC/13/20/Add.3, para. 23), housing programmes themselves presented a number of problems affecting durable solutions. For example, it was noted that new housing in most cases was not adequately designed to be multifunctional in the way that the original homes had been, and could not accommodate areas for small home businesses, which many women engaged in, such as fish processing and drying. On the positive side, it was observed that reconstruction projects involving communities themselves had had better outcomes (*ibid.*).

55. Other issues relating to land, housing and community relations, and the lack of participatory needs assessments and mechanisms to facilitate IDP participation from an early stage, continued to negatively affect the level of IDP engagement in the search for durable solutions. They also adversely affected the capacity of displaced communities to reach collective decisions when these were necessary, and prolonged the period of displacement and dependency. The focus on fixed material assistance such as housing and utility benefits as long as IDPs remained in temporary shelters, rather than flexible schemes that could support the different durable solutions needs of IDPs, may also in some cases have prolonged displacement and encouraged a certain passivity.

56. Issues of gender equity and participation should also be incorporated into durable solutions strategies. Applying a gender lens to IDP and durable solutions can help ensure that women are fully informed and engaged in decisions affecting their lives, and are not adversely affected by IDP registration or compensation systems that have a discriminatory effect, such as with regard to housing compensation schemes or property titles of newly built housing. Women, persons with special needs and other vulnerable groups in the

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<sup>41</sup> Report of the Special Rapporteur on the human rights of internally displaced persons (A/66/285, paras. 78-79).



community should also be fully engaged and consulted on reconstruction projects and other initiatives to promote durable solutions (such as livelihoods and training programmes) so as to ensure that these meet the needs and provide opportunities for diverse groups within the community. The Special Rapporteur noted that women were not represented in any of his meetings with island councils and island communities, for example. He urges communities and local authorities in the context of the decentralization policy to put in place mechanisms that facilitate and promote the full participation of women and vulnerable groups in all their activities, including in relation to disaster risk reduction, local development and durable solutions.

57. The implementation of durable solutions following the 2004 tsunami, including local integration and resettlement/relocation programmes, also presented a number of other issues, and appeared to be especially affected by the lack of a community-based approach that took into consideration the needs of the host community. In certain cases where IDPs were relocated to inhabited islands, the provision of high-quality new housing for them created tensions with local inhabitants who did not receive similar benefits,<sup>42</sup> sometimes resulting in delays in construction projects, and longer term problems affecting social harmony on the islands.

58. Furthermore, some relocations of tsunami-affected IDPs that appeared to have been implemented in order to push forward the population consolidation policy (which existed before the tsunami) and the “safer island” programme created controversy. There were complaints that IDPs did not receive full information before engaging in the relocation process, and disagreements within the Government at the time on whether tsunami recovery programmes should be mixed with long-term development goals.<sup>43</sup> This raised concerns that some relocations may not have been entirely necessary, and that the tsunami was used as an opportunity to undertake relocations either in the framework of the consolidation policy or for other reasons. The case of Kandhulhudhoo, an island impacted by the tsunami but considered recoverable by some (many of its main structures appeared to remain intact), and whose inhabitants were relocated to the island of Dhuvaaafaru, is often cited as one such example.<sup>44</sup>

59. In the context of Maldives, the issue of durable solutions is particularly complex. In addition to the need to address durable solutions in situations of displacement triggered by sudden-onset disasters, which may or may not permit the return of island residents, the country must also envisage the development of durable solutions to internal displacement that is planned. Many durable solutions are likely to be closely linked to: adaptation strategies to the effects of climate change; the search for solutions permitting both sustainable development and the welfare and servicing of the population; the need to address overcrowding and coastal erosion on some islands; and the continued physical existence of the territory of the country. The Special Rapporteur believes that strategies and measures that are based on informed and voluntary decisions, well planned in advance, and that can pre-empt the grave deterioration of living conditions affecting the human rights of island populations or mass spontaneous internal displacement, would not only minimize the adverse effects of displacement but also improve the chances of successful durable solutions in situations where internal displacement is inevitable.

60. As noted by the Special Rapporteur in his report to the General Assembly in October 2011, the effects of climate change (among other factors, in the case of Maldives), highlight “the need to explore various possible options early on and integrate them within national development and adaptation plans, in order to minimize the social and humanitarian

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<sup>42</sup> Ibid., para. 29.

<sup>43</sup> NDMC, “Lessons learnt”, executive summary, p. 4

<sup>44</sup> Ibid., p. 4; A/HRC/13/20/Add.3, para. 28.

consequences of spontaneous and large-scale internal displacement” (A/66/285, para. 80). A national framework on IDPs, in line with relevant international human rights standards and guidance, is also essential and will provide the Government of Maldives and its population with a sound platform from which to develop durable solutions, both for displacement due to the effects of climate change as well as the other causes mentioned above, such as overcrowding on some islands and coastal erosion. A domestic framework on internal displacement in line with the Guiding Principles on Internal Displacement and the Framework on Durable Solutions for Internally Displaced Persons would provide a human rights-based approach and relevant standards to be applied in consultations prior to displacement, with regard to protection and assistance during the displacement phase itself, as well as in the search for durable solutions.

61. Like other aspects of life in Maldives, finding durable solutions to internal displacement in the country will require tailored and multidimensional strategies. Given the various challenges faced by Maldives, returns may not always be possible, and durable solutions may need to be more complex and less static, combining different aspects of a number of durable solutions. This can include increased mobility between islands (for access to health and education services), seasonal movements, and partial “relocation”. Voluntary movements that maintain links with the original island can provide alternatives to one-dimensional durable solutions that involve a complete relocation and disconnect from the island of birth. Some form of this already exists in many islands, where original residents work elsewhere, often in Male or resort islands. In this way, they do not live on the island permanently but maintain family and cultural ties with the island, and send remittances to family members there, thereby supporting local livelihoods.

62. Overcrowding on some islands such as Male, Hulhumale and Villingili, will eventually need to be addressed in the context of the finite capacity of island environments. Male, the capital and centre of economic and governmental activity of the country despite its small surface, is already congested and experiencing critical housing shortages. Alongside the decongestion of some islands, there will also be increased demand for developed or urbanized land (A/HRC/13/20/Add.3, para. 35) with essential infrastructure, services and employment opportunities. At the time of the visit, some development plans were being discussed by the Government in this regard, such as the development of Addu City.

63. Population consolidation programmes have been discussed for some time in Maldives. While the concept has slightly shifted over time, the aim of consolidation programmes has been to concentrate the population levels of certain islands as a way of servicing communities (in a more cost-effective manner) which were originally geographically dispersed. More recently, consolidation was re-articulated as the “safer island” programme, which is aimed at providing adequate housing on certain select islands as an adaptation measure to climate change. At the time of the visit, the Government appeared to still be reviewing the policy, in light of protests it provoked some years ago and the resistance of communities to leave their original islands (*ibid.*, para. 19).

64. The Special Rapporteur considers that durable solutions for displacement-affected communities and those at risk of displacement in Maldives represent a humanitarian, human rights and development challenge. In this context, he stresses the importance of specifically including displacement issues (including preventive solutions) in all relevant development plans and programmes. In the case of displacements which take place outside an emergency situation, such as planned precautionary relocations, these should be in conformity with the procedural guarantees provided in the Guiding Principles on Internal Displacement (principle 7, para. 3). These guarantees require, *inter alia*: a specific decision by an appropriate State authority; that full information be provided to IDPs on the reasons and procedures for the displacement and the place of relocation; that their free and informed consent be sought; and relevant compensation provided. Moreover, authorities must endeavour to involve affected persons, including women, in the management and

planning of the relocation, and ensure that the right to an effective remedy, including the review of decisions, is respected.

65. Procedural rights, which include access to information, consultation and effective participation in decision-making processes and access to effective remedies, have a critical place in such situations. Indeed, individual and community resilience will largely depend on the extent to which IDPs are empowered to adapt to change and included in decisions affecting their lives. Receiving communities should also feature in these participatory and consultation processes. Measures that are sensitive to the needs and concerns of the receiving community, including with regard to absorption capacity, and which promote integration and use mediation mechanisms, may often be either necessary or beneficial in order to foster trust and provide the necessary support to both IDPs and receiving communities (A/66/285, paras. 62-63).

66. Other key and often difficult issues in relocations include issues relating to access to land, livelihood opportunities, community, ethnic and cultural identity and possible incompatibilities with receiving communities. Relocation plans and sites often present a number of such challenges which tend to make them unsuccessful. Concerns relating to compensation, and the loss of housing and livelihoods, may result in resistance by communities to relocation plans until a tragedy or disaster strikes. In other situations, the problem is the distance between the original and the new site. Many IDPs the Special Rapporteur met with during the country visit, for example, expressed that should they need to move, they would wish to do so as a group, and to stay close to their original location. Experiences and principles applicable to relocations in other contexts, such as in the case of development-linked relocations, can perhaps also provide valuable guidance on relevant standards and operational issues in the case of relocations due to the effects of climate change or other factors (ibid., paras. 64-65).

## V. Conclusions and recommendations

67. **Climate change and other factors related to the nature of small low-lying island environments in Maldives are already affecting the livelihoods and rights of residents of many islands, including the right to housing, safe water, health, and an adequate standard of living. In addition, more frequent storms and flooding, coastal erosion, salination, overcrowding, and the existential threat posed by rising sea levels, place Maldivians in a precarious situation that requires not only disaster risk reduction strategies, but also a human rights-based approach to sustainable development that integrates issues of internal displacement due to sudden and slow-onset natural disasters.**

68. **The Special Rapporteur commends the Government of Maldives for its leadership at the international level in highlighting the impact of climate change and promoting more environmentally sustainable development models. On the basis of his visit, he also concludes that the Government has made important efforts in recent years to put in place national development plans, disaster risk reduction action plans, and climate change adaptation strategies which are comprehensive in scope and address the socio-economic dimensions of these issues as well as the need for physical protection. Furthermore, the Government made addressing the 2004 tsunami a national priority, providing assistance to over 12,000 IDPs and establishing institutional structures to facilitate and coordinate IDP programmes.**

69. **The Special Rapporteur believes that in the context of the various challenges faced by Maldives, disaster risk reduction and adaptation strategies, while essential, will not be sufficient to prevent internal displacement altogether, and that increased national attention, dialogue and commitment to address issues related to internal displacement should now be a priority for the country. The Special Rapporteur**

considers that internal displacement and durable solutions for affected communities in Maldives, including those at risk of displacement in the future due to the effects of climate change, represent a humanitarian, human rights and development challenge.

70. In view of the above, the Special Rapporteur would like to make the following recommendations.

71. To the Government of Maldives:

(a) Finalize and adopt the Bill on Disaster Management at the earliest opportunity. In the context of this Bill, and in consultation with key stakeholders, including civil society, IDP communities and United Nation agencies, integrate within this Bill a framework on the rights, responsibilities and standards relevant to persons affected by internal displacement, in line with international human rights standards and the Guiding Principles on Internal Displacement;

(b) Develop, in consultation with key stakeholders, policies, implementing legislation, guidance documents and other frameworks, to ensure a comprehensive national response to all stages of internal displacement due to sudden and slow-onset natural disasters, including climate change-induced displacement;

(c) Ensure that national disaster management systems, laws and policies, as well as national development plans, climate change-adaptation strategies and internal-displacement frameworks incorporate a human rights-based approach at all stages;

(d) Review the current legal standing and resources of the existing National Disaster Management Centre, with a view to strengthening the capacity, mandate and effectiveness of the Centre, including in the context of the Government decentralization policy. In particular, the expertise of the Centre should be harnessed towards the development of a national IDP framework, integrating best practices and lessons learned from the 2004 tsunami in future programmes, strategies and capacity-building, and strengthening multi-stakeholder dialogue on internal displacement and related issues;

(e) Specifically include internal displacement issues, including displacements outside of emergency contexts (in response to slow-onset natural disasters), into all relevant development plans and programmes, in line with a human rights-based approach and the Guiding Principles on Internal Displacement;

(f) Promote awareness-raising, dialogue and consultations on disaster risk reduction strategies, sustainable national development, environmental protection, internal displacement and durable solutions at all levels, and in particular at the island and atoll levels. In relation to these, develop networks and strengthen understanding and engagement of civil society organizations, and the Human Rights Commission, on the human rights dimensions of these issues;

(g) Develop mechanisms to facilitate and promote meaningful participation of displacement-affected communities, or communities at risk of internal displacement, in decisions, programmes and other measures that have an impact on them, including at the humanitarian assistance, early recovery and development stages. Ensure that women, youth, vulnerable groups and receiving or host communities are fully informed, consulted and engaged at all stages of the process;

(h) Develop particular guidance and specific standards, in line with international human rights and the Guiding Principles on Internal Displacement, with regard to situations where the relocation of populations is deemed necessary due to the effects of climate change or other factors. In particular, issues of compensation, property rights, procedural rights, community and cultural identity, livelihoods and support to receiving communities should be addressed;

(i) Develop an action plan, including a transitional plan, towards the full implementation of the Government decentralization policy in relation to the disaster risk reduction, local development, environmental protection and other related responsibilities of atoll and island councils. Such a plan should include issues related to internal displacement, and provide for capacity-building, sufficient financial resources, clear communication and accountability channels, and coordination structures;

(j) Urgently review the situation of those currently still displaced and living in temporary shelters in order to address their dire living conditions and assist them in rebuilding their lives.

72. To the international community:

(a) Raise attention to and provide increased international support in order to strengthen local and national capacities, as well as domestic legal frameworks and policies to address disaster risk reduction and potential internal displacement resulting from a variety of environmental and other factors, including the effects of climate change in Maldives;

(b) In particular, support national efforts to prevent and minimize the extent and adverse consequences of internal displacement, through: the exchange of best practices and expertise on environmental protection, and technologies for addressing coastal erosion, protective measures against flooding, and reclamation projects; the mainstreaming of environmental sustainability into all programmes; and disaster risk reduction strategies;

(c) In collaboration with the Government of Maldives, neighbouring States and other stakeholders, develop specific cooperation and assistance frameworks—at the bilateral, multilateral and regional levels—supportive of climate change adaptation strategies which recognize and address displacement, as provided in para. 14 (f) of decision 1/CP.16 of the Conference of the Parties to the United Nations Framework Convention on Climate Change (known as the Cancun Agreements).<sup>45</sup> Such frameworks could include specific cooperation agreements for humanitarian and emergency assistance during the initial phase of a natural disaster, support to protection and assistance activities during displacement, as well as durable solutions, which can include the exploration of both internal and regional solutions to displacement. With regard to all of the above, the international community should ensure coordination of international support at the national level.

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<sup>45</sup> Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010—Part Two: Action taken by the Conference of the Parties at its sixteenth session (FCCC/CP/2010/7/Add.1).