

Predicting disasters and protecting rights

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In order to prevent or reduce disaster-related displacement, we need to address some clear gaps in both knowledge and capacity by improving research on and awareness of disaster risks and associated human rights, and the capacity to address them.

Disaster-related displacement affects millions of people every year¹ and is determined by multiple factors: the magnitude or intensity of the hazard, the number of people and homes exposed to it, and the level of vulnerability affecting their coping capacity and resilience. Research into disaster risks can help authorities identify displacement risks and prevent disaster-related displacement from occurring.

A number of probability models have been developed to predict the magnitude and frequency of future impacts, including displacement, based on both recorded and simulated disaster impacts (usually, fatalities and economic losses). Initial results from such models have proven to be somewhat conservative compared to governments' recorded statistics for people displaced in relation to disasters but they can nevertheless give authorities an idea of how many people are likely to be displaced in relation to disasters that occur every month, year or decade, as well as an idea of how to prevent and prepare for such occurrences. Local and provincial authorities know, for example, that small, frequently occurring disasters (and the displacements associated with them) will not trigger large international humanitarian response – and that disaster prevention or disaster risk reduction might therefore be more cost-effective options.

Disaster risk reduction can effectively prevent the displacement of people. In the case of predictable disasters, authorities are indeed obliged to take measures to reduce the disaster risks to protect people's lives and property – and this may entail evacuation i.e. displacement. The European Court of Human Rights in its landmark ruling against Russia² found a violation of the right to life of those killed by a landslide, because authorities – despite knowing the imminent risk – had not taken available and efficient measures to protect the right to life as well as the right to property. The Court identified four core duties deriving from the right to life: to enact and implement laws and policies on disaster management; to take necessary administrative measures such as observing areas at risk; to inform the population about the risks and dangers; and to evacuate potentially affected populations.

When evacuations are ordered and people relocated to safer areas prior to the disaster, displacement can sometimes be a means to reduce certain disaster risks, such as the risk of being killed. Evacuations and relocations that are considered necessary to protect the safety and health of people and that adhere to legal standards do not amount to arbitrary displacement and are not prohibited under international law. However, poorly planned and badly managed evacuations and relocations raise serious human rights concerns.

For example, the evacuation plans in place for Hurricane Katrina in 2005 relied on the availability of private means of transport, which discriminated against poorer sections

of the population who did not own a car – and who also lived in the most exposed areas of New Orleans. In Mozambique in 2008, authorities decided to relocate communities living along the Zambezi River to higher areas because of the recurrent nature of the flooding in these areas. The relocation areas, however, did not provide for livelihood opportunities and the displaced – largely farmers – had no access to pasture and water or other agricultural assets to establish a new livelihood.

Disaster risk reduction measures that include the displacement of people, as in the case of evacuations and relocations, must be sensitive to the human rights of those affected. Particularly critical are the provision of information, and consultation and participation of communities in the planning and management of such measures. Such inclusion of populations at risk is likely to lower the risk of forced evacuations and relocations and avoid human rights violations in their implementation. The eight criteria outlined in the 2010 IASC Framework on Durable Solutions for Internally Displaced Persons³ should be applied to permanent relocation to determine whether the relocation lives up to these benchmarks.

Despite these developments in awareness, important knowledge gaps remain and need to be addressed. The most pressing need is to understand what internal displacement means in contexts of slow-onset disasters as well as for methods that can estimate the scale, scope and patterns of displacement related to droughts and other hazards (e.g. volcanic ash fallout) that do not always cause direct damage to the housing sector and which instead cause displacement indirectly by undermining livelihoods. In an initial phase of a drought communities are likely to migrate as a form of adaptation. However, when such communities have no other choice but to leave their lands and homes, this is not a mere migratory movement but displacement.

Our understanding and analysis must also take into account that there are usually multiple factors that influence displacements due to slow-onset disasters. For example, particular attention must be paid to the inter-linkages between droughts and conflicts that may arise over scarce resources as well as famine as result of drought.

Recommendations for national, provincial and local authorities

- **Systematically record displacement data**

Disaster impacts are currently gathered in national and international databases. While some of these databases include information on the number of houses damaged or destroyed, most do not record displacement-specific data such as how many people have been displaced, for how long, from where, to where. By systematically recording information related to

these past displacements, authorities can understand the patterns and drivers of displacement which can help them prevent such occurrences in the future.

- **Assess the risk of displacement**

Knowing how many people have been displaced in past or ongoing disasters is useful but it is not enough. In order to prevent future disaster-related displacement, authorities need to know how many people may be displaced in the future. This means thinking about risk, and adapting disaster risk models to assess how many and how often people are at risk of being displaced in a given location, be it a country, province or municipality.

- **Reduce displacement risks that can be reduced – prepare for those that remain**

Some, but not all, disaster-related displacement can be prevented, especially displacement related to frequently occurring, low-intensity hazards such as seasonal floods, Category 1 or 2 cyclones, or small earthquakes. In the face of massive earthquakes, cyclones and tsunamis, live-saving early warning and evacuation systems are often the most effective strategy. By assessing the risk of displacement, authorities can identify how much displacement can be prevented, and how much should be prepared for. This is crucial information in terms of planning evacuation routes and evacuation centres, and allocating resources for early recovery and reconstruction. Preparing for displacement also means understanding the legal obligation to protect the rights of people displaced by disasters. Governments can improve their ability to meet these obligations by addressing displacement in development, disaster-risk management and climate change adaptation plans.

- **Address the drivers of displacement risk**

Such drivers include land-use planning, sustainable management of urban growth and ecosystems, design and enforcement of building codes, and building of governance capacity to do each of these. Though the drivers of displacement risk are fairly well understood, managing these processes is currently beyond the capacity of many national, provincial and local governments.

- **Build political will to protect the rights of those at risk**

As long as people continue to be displaced in relation to disasters, it is essential that vulnerable communities and their advocates promote their rights. This means providing duty bearers with evidence that they understand and can act on, and it means informing the public of the risks, both to build political will and to hold authorities accountable. More effective coordination is needed among human rights, disaster risk reduction and development actors if they are to assist in building political will and accountability, and encouraging governments to sign up to and implement legal instruments relating to internal displacement, disaster risks and human rights.

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1. See *People displaced by natural hazard-induced disasters: Global estimates for 2011*. Internal Displacement Monitoring Centre, Geneva. <http://tinyurl.com/IDMC-NaturalDisasters2011>

2. ECtHR, *Budayeva and Others v Russia, Judgment of 20 March 2008*. See Walter Kälin and Claudine Haenni Dale 'Disaster risk mitigation – why human rights matter', FMR 31 www.fmreview.org/FMRpdfs/FMR31/38-39.pdf

3. Inter-Agency Standing Committee (IASC) (2010), *Framework on Durable Solutions for Internally Displaced Persons*. Brookings-Bern Project on Internal Displacement. <http://tinyurl.com/Brookings-DurableSolutions2010>