

INDONESIA NATIONAL LAW AND POLICY REPORT

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Displacement in the Context of Disasters and Climate Change

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1 INTRODUCTION

As reflected in the *Sendai Framework for Disaster Risk Reduction* (SFDRR)¹ and the *Paris Agreement*,² and recent statements and declarations at the Global Platform on Disaster Risk Reduction (GPDRR)³ and the Asia Ministerial Conference on Disaster Risk Reduction (AMCDRR),⁴ displacement in the context of disasters and climate change is increasingly being seen by actors concerned with disaster risk management at international, regional and national levels as a phenomenon requiring concerted attention. The series of country reports of which this document is a part address the policy objective of further integrating displacement considerations into wider disaster risk management and climate change adaptation measures at the sub-national level.⁵ The reports present the results of a mapping exercise in which national law and policy was reviewed in order to identify existing references to different aspects of displacement, including prevention of and preparedness for displacement, protection during evacuation and throughout displacement, and facilitation of durable solutions. Setting out the extent to which sub-national law and policy presently addresses these different aspects of displacement provides a helpful starting point for future engagement with relevant actors on ways of further integrating displacement considerations.

Only documents that are expressly related to disasters, climate change and displacement are considered in this report. Due to the cross-cutting, whole-of-society impact of many disasters, a wide range of other legal and policy frameworks may well have relevance for specific kinds of engagements relating to disaster displacement or disaster risk management and climate change adaptation more generally. However, in order to retain the clear focus on addressing the extent to which displacement is already integrated into sub-national law and policy, a restrictive approach was taken in the review.

1.1. A human rights-based approach

In line with Paragraph 19(c) of the SFDRR,⁶ Paragraph 28 of the *Co-Chairs' Summary* of the GPDRR, and Paragraph 11 of the *Ulaanbaatar Declaration* at the AMCDRR, the reports embrace a human rights-based approach to disaster displacement. In brief, this approach sees states as having the primary responsibility for protecting persons from harm associated with displacement in the context of disasters and climate change. It recognises the Universal Declaration on Human Rights, Guiding Principles on Internal Displacement 1998 (Guiding Principles on Internal Displacement), as well as the wider body of international human rights law underpinning those Principles, as foundational. Having a legal and policy framework in place that incorporates core principles and defines roles and responsibilities of responsible

1 *Sendai Framework for Disaster Risk Reduction* (SFDRR), see for example paras. 28(d), 30(l), 33(h, j, m).

2 *Paris Agreement*, see Article 8, which references the Warsaw International Mechanism, under which a Taskforce on Displacement was created, <unfccc.int/wim-excom/sub-groups/TFD>, visited on 27 October 2020

3 *Global Platform on Disaster Risk Reduction 2019, Co-Chairs' Summary* (GPDRR), see paras. 6, 12 and 28, <www.preventionweb.net/files/58809_chairsummary.pdf>, visited on 27 October 2020

4 Para. 1 of the *Ulaanbaatar Declaration* at the 2018 Asian Ministerial Conference on Disaster Risk Reduction (AMCDRR) expresses "deep concern at the continuing impact of disasters in the region, resulting in recurrent loss of human lives and livelihoods, displacement of people, and environmental, economic, social and material damages", <www.preventionweb.net/files/56219_ulaanbaatardeclarationfinal.pdf>, visited on 27 October 2020

5 GPDRR 2019, *supra* note 3, para. 28: "Governments and the international community must do more to reduce the risk of disaster displacement before disasters strike. Disaster risk reduction strategies and policies should address the drivers and consequences of disaster displacement and contribute to durable solutions."

6 SFDRR, *supra* note 1, para. 19(c) reads: "Managing the risk of disasters is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development."

actors also contributes to transparency and accountability. Further, a human rights-based approach recognises that disasters do not affect all persons in the same way, and highlights the differential exposure and vulnerability that manifests along intersecting gender, ethnicity, age, disability and other lines. The gendered nature of displacement is emphasised, as is the need to tackle structural barriers to equality in order to strengthen resilience to disaster risk. It follows that consultation, participation and equal access to information are cornerstones of the approach. The approach can be condensed into four elements, namely:

- governance: transparency and accountability
- procedural: participation, consultation and access to information
- substantive: express focus on fundamental rights
- non-discrimination and equality: focus on the particular situation of traditionally marginalised groups.

More details on the international standards and guidelines that reflect this approach are contained in the Background Brief on Key International Standards and Guidelines Relating to Displacement in the Context of Disasters and Climate Change, which accompanies this series of country policy reports.⁷

The report has four substantive sections. First, a snapshot of the numerical scale of disaster displacement in the country is presented, drawing on data from the Internal Displacement Monitoring Centre (IDMC) and the EM-DAT database. Next, in the interests of connecting the analysis to the relevant wider human rights law context, disaster-specific observations from human rights monitoring bodies and mandate holders under the UN system are highlighted. Then, the domestic law and policy framework is presented and analysed against a set of core principles concerning prevention of and preparedness for displacement, protection during evacuation and throughout displacement, and the facilitation of durable solutions. Finally, reflecting on this material, a concluding section summarises strengths and areas inviting closer engagement by relevant actors.

The intended audience of this report series includes domestic actors with responsibility for disaster risk reduction (DRR) and management (DRRM), climate change adaptation (CCA), and protection of persons in situations of climate- and disaster-related displacement at the national and sub-national level. It is hoped that these actors will find value in a consolidated overview of the domestic legal and policy framework from a human rights-based approach, read alongside the Background Brief on international standards and guidelines, not least in light of the imperative under the SFDRR to address disaster risk through “promoting and protecting all human rights”.

It is also hoped that civil society, UN, and intergovernmental and academic actors at (sub) national, (sub)regional and international levels will find the series of country reports of interest and value. The compendium of which this report is a part provides a depth of insight into how different countries across the region are working to address the pressing challenge of displacement in the context of disasters and climate change. It is hoped that the compendium of reports will provide material that contributes to an enhanced appreciation of the relevance of human rights to addressing disaster displacement, the exchange of good practices, and the further integration of displacement into existing disaster risk reduction and climate change adaptation initiatives.

⁷ Available at: <rwi.lu.se/disaster-displacement/>.

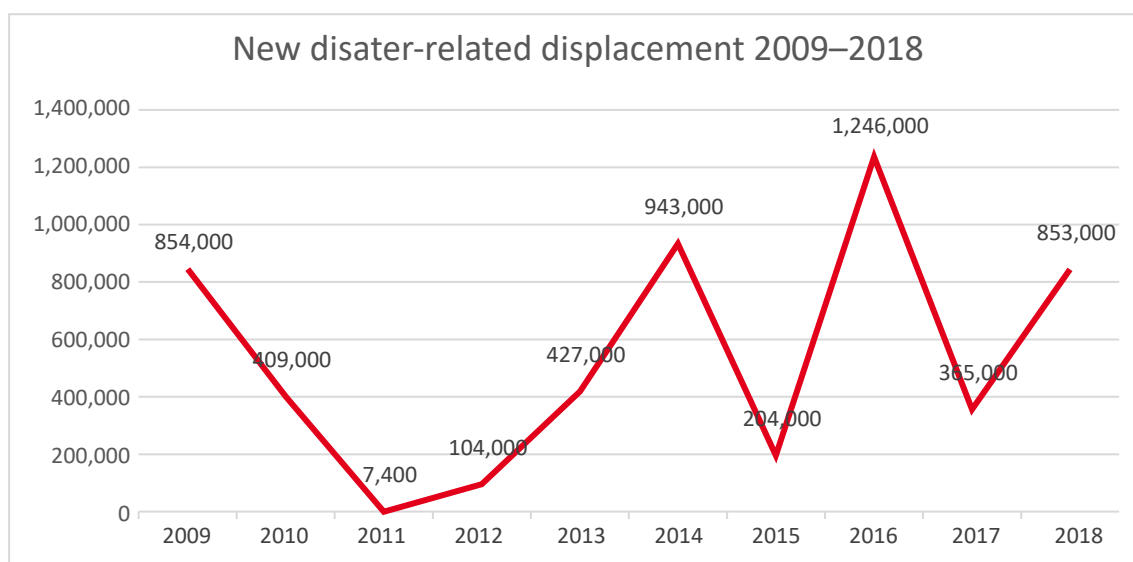
2 Displacement in Numbers

2.1. Number of disasters and people affected in the last ten years (2009–2018)

Hazard	Number ⁸	People affected ⁹
Drought	1	-
Earthquake	21	3,667,484
Tsunami	3	222,853
Flood	70	2,093,743
Landslide	20	104,996
Storm	3	12,585
Volcanic activity	10	536,587
Forest fire	1	409,664
TOTAL	129	7,047,912
Source: < public.emdat.be >.		

Clearly, Indonesia faces a range of hazards that together contribute to the displacement of hundreds of thousands of people every year. Indeed, of the 7,049,912 persons displaced in the last ten years,¹⁰ 1,246,000 were newly displaced in 2016, predominantly as a result of peak rainy season floods and landslides.¹¹ This figure represents 0.4 per cent of the total population of the country.¹² Although this number appears small, it represents nearly one person per 200 inhabitants.

The annual number of new displacements over the last ten years is reflected below.



Source: <www.internal-displacement.org/database>.

8 <public.emdat.be>, visited on 27 October 2002

9 'Affected' means "[p]eople requiring immediate assistance during a period of emergency, i.e. requiring basic survival needs such as food, water, shelter, sanitation and immediate medical assistance", source: *ibid*.

10 Source: EMDAT, *supra* note 8.

11 Source: Internal Displacement Monitoring Centre (IDMC), <https://www.internal-displacement.org/database> visited on 27 October 2002

12 Source: <data.worldbank.org/indicator/sp.pop.totl>, visited on 27 October 2020

With substantial displacements triggered by a variety of hazards, how Indonesia approaches the protection of persons from displacement, during evacuation, and throughout displacement and the facilitation of durable solutions has implications for the enjoyment of a range of human rights, including the rights to life, shelter, property, food, health, physical security, livelihoods and many more. Section 3 considers what human rights treaty monitoring bodies and mandate holders have recommended in terms of Indonesia's approach to disaster risk reduction and climate change adaptation generally. Section 4 then considers in closer detail the legal and policy framework currently in force in the country, with a focus on measures that address all phases of the displacement cycle.



Cars attempt to drive through flood waters in Jakarta in 2013. Photo cc by VOA Indonesian Service

3 Recommendations from Human Rights Monitoring Bodies

A human rights and gender-equal approach to law, policy and practice on displacement in the context of disasters and climate change may benefit from a grounding in existing recommendations from human rights monitoring bodies. Based on a review of 'Concluding Observations' from the most recent periodic review before treaty monitoring bodies and other mechanisms within the UN system, a series of country-specific recommendations relating to climate change adaptation and disaster risk reduction and management has been consolidated.

Indonesia is party¹³ to the following international human rights treaties of relevance to displacement in the context of disasters and climate change:

- Convention on the Elimination of Racial Discrimination 1965 (CERD)
- International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)
- International Covenant on Civil and Political Rights 1966 (CCPR)

13 Source: <indicators.ohchr.org/>, visited on 27 October 2020

- Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)
- Convention on the Rights of the Child 1989 (CRC)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990 (CMW)
- Convention on the Rights of Persons with Disabilities 2006 (CRPD).

The HRC,¹⁴ CEDAW,¹⁵ CRC¹⁶ and CMW¹⁷ committees do not address disasters or climate change, or displacement in those contexts, in their Concluding Observations. The CERD Committee considers disasters and climate change somewhat briefly. These reports are addressed in turn below.



Indonesian village devastated by flooding. Photo cc by International Rivers

The CERD Committee, in its Concluding Observations,¹⁸ expresses its:

“concern that although it has been abolished, the transmigration programme has long-standing effects, as exemplified by the conflict that took place between the Dayak and the Madura ethnic groups in Palangkaraya, Central Kalimantan. The Committee also notes with concern the challenges faced by the State party due to the increase in the number of internally displaced persons, resulting not only from natural disasters but also from conflicts, and the cultural misunderstandings that have arisen between communities (arts. 2 and 5).”¹⁹

14 CCPR, Concluding Observations, CCPR/C/IDN/CO/1 (21 August 2013), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/IDN/CO/1&Lang=En, visited on 27 October 2020.

15 CEDAW, Concluding Observations, CEDAW/C/IDN/CO/6-7 (7 August 2012), <https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-IDN-CO-6-7.pdf>, visited on 27 October 2020

16 CRC, Concluding Observations, CRC/C/IND/CO/3-4 (10 July 2014), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/IND/CO/3-4&Lang=En, visited on 27 October 2020

17 CMW, Concluding Observations, CMW/C/IDN/CO/1 (19 October 2017), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW/C/IDN/CO/1&Lang=En, visited on 27 October 2020.

18 CERD, Concluding Observations, A/62/18 (1 October 2007), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=A/62/18&Lang=En, visited on 27 October 2020

19 *Ibid.* para 360

The Committee also:

“encourages the State party to prepare a set of guiding principles for internally displaced persons with the aim of preventing racial discrimination, as envisaged by the State party. It suggests in this regard that the State party take into consideration the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).”²⁰

The CESCR Committee, in its Concluding Observations,²¹ expresses its concern for persons displaced in the context conflicts and disasters, with a particular focus on groups suffering from ‘multiple discriminations’:

“The Committee is concerned at the situation of several groups who suffer multiple discriminations, including stateless persons and persons without identity documentation, religious communities and other persons displaced by conflicts and natural disasters (art. 2.2). The Committee recommends that the State party adopt targeted policies in the 2015–2019 National Medium Term Development Plan for groups who experience multiple discriminations such as stateless persons and persons without identity documentation, religious communities and other persons displaced by conflicts and natural disasters, which include (a) the facilitation of the issuance of identity documents and birth and civil registration; (b) the provision of services and assistance to displaced persons and returnees; and (c) the provision of the necessary mental health services in post-conflict areas.”²²

These recommendations reflect many of the key principles contained in the Guiding Principles on Internal Displacement, as well as more specific guidelines developed subsequently and reflected in the Background Brief on international standards and guidelines that accompanies this report.

Indonesia is currently engaged in its first periodic review process before the Committee on the Rights of Persons with Disabilities, and no Concluding Observations had been issued by May 2019. However, the Initial Report submitted by Indonesia is noteworthy owing to its detailed engagement with the situation of persons with disabilities in disasters under Article 11 of the CRPD²³.

The report identifies Law No. 24/2007 on Disaster Management, Law No. 7/2012 on Social Conflicts, and Law No. 8/2016 on Persons with Disabilities as the primary legislation concerning the rights of persons with disabilities in disasters. Additionally, Regulation No. 14/2014 on Treatment, Protection and Participation of Persons with Disabilities on Disaster Management is identified. These legal instruments are examined in Section 4 below. Recognising the present limitations in terms of disaggregated data, which is seen to “hinder the efforts for disaster first responders in providing specific assistance during emergency and evacuation”, the report expresses the view that:

“[d]irect engagement of persons with disabilities on planning and formulation

20 *Ibid.* para 360

21 CESCR, Concluding Observations, E/C.12/IND/CO/1 (19 June 2014), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/IND/CO/1&Lang=En, visited on 27 October 2020.

22 *Ibid.* para 13

23 CRPD, Initial Report, CRPD/C/IDN/1 (8 March 2019), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FIDN%2F1&Lang=en, visited on 27 October 2020

of policies on disaster preparedness and management is deemed important. This engagement will provide comprehensive data and information on basic and specific needs on persons with disability before, during, and after disaster, including accessible shelter and infrastructure.”²⁴

The Special Rapporteur on Adequate Housing in her mission to Indonesia²⁵ expresses the view that:

“[t]he combination of rapid urbanization, population density and high poverty rates poses serious challenges to the realization of the right to adequate housing for all in Indonesia. These challenges are compounded by the fact that the majority of Indonesia’s territory is highly vulnerable to climate change and natural disasters, particularly flooding, volcanic eruptions and earthquakes.”²⁶

Reflecting on a field visit to Sleman in Yogyakarta province, she makes a positive assessment of the reconstruction initiative following a volcanic eruption there. She highlights core elements of a human rights-based approach to disaster management, including paying specific attention to durable solutions and the full participation of affected communities:

“The Special Rapporteur would like to stress her positive impression with the design and implementation of the REKOMPAK programme, which should serve as a worldwide example of good practice in post-disaster reconstruction and rehabilitation programmes. From a human rights perspective, the programme is responsive, cost-effective, community-driven, and appears to provide durable and sustainable solutions. The rehabilitation alternatives are tailored with the full participation of the affected communities, in accordance with the regional characteristics and culture. Of course, difficulties in implementation and sustainability of the programme persist, such as the right of communities to receive State support (both in terms of risk management and in situ rehabilitation), even in cases in which they refuse to relocate to a different site, or for rental tenants who were affected by the disaster. The flexibility of the programme can be used to address these complexities.”²⁷

The Special Rapporteur on the Right to Food acknowledges that the government has developed several policy frameworks related to food security, and notes that it is also includes plans on climate change adaptation and mitigation.²⁸ Given that the impacts of climate change and extreme weather particularly affect the right to food,²⁹ The Special Rapporteur also expresses,

“The Government’s climate change and disaster response policies should fully integrate the right to food. These efforts should afford special attention to those who are especially vulnerable, including farmers, fisherfolk, rural populations and coastal communities, and take into account a gender perspective. The Government should adopt additional and timely measures focused on climate change mitigation and disaster preparedness³⁰”

24 *Ibid.* para 56.

25 Special Rapporteur on Adequate Housing, A/HRC/25/54/Add.1 (26 December 2013), https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/54/Add.1, visited on 27 October 2020

26 *Ibid.* para 7

27 *Ibid.* para 78

28 Report of the Special Rapporteur on the right to food, A/HRC/40/56/Add.2, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/447/88/PDF/G1844788.pdf?OpenElement>, para. 28, visited on 12 November 2020

29 *Ibid.* para. 88

30 *Ibid.* para 90

Interestingly, the review of the legal and policy framework in Indonesia set out in Section 4 below identifies a notable lack of engagement with planned relocation, or durable solutions generally. The impressive relocation scheme described by the Special Rapporteur likely reflects the highly decentralised administrative structure that Indonesia has adopted.

Clearly, a human rights-based approach to displacement in the context of disasters and climate change in Indonesia should take into account relevant observations emerging from the treaty monitoring bodies and mandate holders. These observations are summarised as:

- Take into account the Guiding Principles on Internal Displacement when addressing disaster-related displacement in the country.
- Adopt policies to promote the facilitation of the issuance of identity documents and birth and civil registration and the provision of other services and assistance to displaced persons and returnees.
- Promote the participation of communities, including persons with disabilities, in all aspects of disaster management including preparedness, evacuation, reconstruction and relocation.
- Adopt a human rights-based approach to planned relocation.

Some of these recommendations appear to find expression in the domestic legal and policy documents addressed below.

4 Legal and Policy Framework

In terms of governance, the constitution of Indonesia devotes an entire section to human rights, guaranteeing an extensive range of civil and political, as well as economic, social and cultural rights. Substantive rights include rights to life, health, social security, work, freedom of movement and residence, and a healthy environment. Although the constitution does not expressly address discrimination on grounds of gender, disability or other characteristics, the prohibition on discrimination and the promotion of equality are clearly established at Article 28I(2). The central role of the state in securing the fulfilment of human rights is clearly articulated at Article 28I(4)–(5):

“(4) Protecting, promoting, upholding, and the full realization of human rights are the responsibilities of the state, foremost of the government.

“(5) To uphold and protect human rights in accordance with the principles of a democratic and law-based state, the implementation of fundamental human rights is to be guaranteed, regulated, and laid down in laws and regulations.”³¹

Since Soeharto’s ‘New Order’ era,³² Indonesia has adopted a decentralised system of governance to distribute power and authority to government at the sub-national level, which

31 Constitution of Republic Indonesia of 1945 (official translation) <http://www.unesco.org/education/edurights/media/docs/b1ba8608010ce0c48966911957392ea8cda405d8.pdf>, visited on 27 October 2020.

32 In the literature of Indonesian politics, Soeharto’s long-standing authoritarian rule (1966–1998) was renowned as ‘the New Order’. See: Benedict Anderson, ‘Old state, new society: Indonesia’s new order in comparative historical perspective’, 42(3) *The Journal of Asian Studies* (1983) pp. 477–496.

includes provincial government, district and city government, and village government.³³ In the context of disaster management, decentralisation means that there are three levels of disaster management agencies: the national disaster management agency (BNPB), provincial-level disaster management agencies (BPBD Provinsi), and district-level disaster management agencies (BPBD Kabupaten/Kota). The same could be said of the military, in which the implementation of disaster evacuation is also conducted by the Central Command at the national level, Kodim/Kodam at the provincial level, and Korem at the district level.



The eruption of Mount Agung in November 2017. Photo cc by Michael W. Ishak

The following legal and policy documents were considered as part of the review:

- Law No. 34 of 2004 on Indonesian Armed Forces
- Law No. 24 of 2007 Concerning Disaster Management
- Government Regulation No. 21 of 2008 Concerning Disaster Management
- Presidential Regulation No. 8 of 2008 Concerning National Disaster Management Agency
- Head of BNPB Regulation No. 14 of 2014 on matters relating to Handling, Protection and Participation of People with Disability during the Disaster Management (Peraturan Kepala BNPB 14/2014)
- National Action Plan for Disaster Risk Reduction (Renas PRB) 2015–2019
- Law No. 8 of 2016 on Persons with Disabilities
- BNPB Regulation No. 3 of 2018 on the Handling of Displaced Persons in Disaster Emergency.

³³ For an overview of decentralisation see: S. Haris (ed.), *Desentralisasi dan Otonomi Daerah: Desentralisasi, Demokratisasi & Akuntabilitas Pemerintahan Daerah* (Yayasan Obor Indonesia, Jakarta, 2005); M. Erb and P. Sulistiyanto (eds.), *Deepening Democracy in Indonesia?: Direct Elections for Local Leaders* (Institute of Southeast Asian Studies, Singapore, 2009); C. Lay, 'Democratic Transition in Local Indonesia: An Overview of Ten Years Democracy', 15(3) *Jurnal Ilmu Sosial dan Ilmu Politik* (2012) pp. 207–219.

- Head of BNPB Regulation No. 11 of 2018 on the Guidelines of Post-Disaster Rehabilitation and Reconstruction.

These documents were systematically reviewed using the RWI's human rights-based legal and policy analysis tool. The detailed results of this review are found at Annex 1 of this report, which is available at rwi.lu.se/disaster-displacement/. Key insights relating to each of the four elements of the human rights-based approach adopted for this study are set out briefly below.

With a strong and detailed provision in the Indonesian constitution invoking substantive human rights alongside principles of non-discrimination, the legal and policy framework relating to disaster risk reduction and climate change adaptation should, in principle, reflect this commitment. The review identified a number of legal and policy documents that do so, in particular in relation to the rights of persons with disabilities.

Similarly, although there is no express provision for mainstreaming displacement in DRR or more widely, BNPB Reg. 3/2018 on the Handling of Displaced Persons in Disaster Emergency adopts an expressly human rights-based approach, with a particular focus on addressing the situation of displaced persons ('refugees') during displacement. The Regulation is not, however, based on international standards, such as the Guiding Principles on Internal Displacement.



Earthquake damage in Indonesia in 2010. Photo cc by UCL Mathematical & Physical Sciences

Law 24/2007 and the implementing regulations devote a number of provisions to the particular situation of ‘refugees’, at times, particularly in relation to persons with disabilities, with reference to human rights. There are multiple provisions across the legal and policy framework that address the protection of people during evacuation and throughout displacement, and some engagement with the principle of durable solutions.

In a country with a clearly decentralised legal system, the lack of national level standard operating procedures that mainstream displacement is not surprising. Nonetheless, particular roles and responsibilities relating to the management of internal displacement were identified in Reg. 8/2008.

Accountability measures, on the other hand, do not stand out in Indonesia’s legal and policy framework relating to disasters and climate change, with no measures identified relating to complaints or appeals, monitoring or learning from past experience, and an isolated provision relating to compensation in the event of ‘construction failure’. There was, however, provision for compensating people who were forced to relocate on account of disaster risk – see provision on ‘free, prior and informed consent’ immediately below.



Food aid delivered for the 2018 Lombok earthquake Photo cc by Indonesian Ministry of Communication and Information

Procedural issues were identified in the review, in particular in relation to the principle of free, prior and informed consent. In both Law 24/2007 and Reg. 8/2008, provisions for both forced evacuation and relocation were identified. As noted, international law permits states to strike a fair balance between the need to protect life and the need to respect the right of people to freedom of movement and residence, their rights to work and their ties to particular locations. There is room in the Indonesian legal and policy framework for more express recognition of the importance of participation, consultation, and consent in the context of evacuation and relocation.



Landslides in Kaliwadas, Mount Slamet, Central Java Photo cc by Ganjar95

More generally, multiple provisions provide for the participation of people in decision making relating to disaster management, including specific provisions to address the particular situation of persons with disabilities. These provisions did not, however, address displacement in particular. There was also noteworthy provision for ensuring equitable access to information for persons with disabilities, including in the context of early warning.

The *substantive* element of the approach can be considered in relation to prevention of and preparedness for displacement, protection during displacement, and durable solutions.



Attempt to rescue victims from a collapsed mosque in Lading-Lading, Tanjung, North Lombok after an earthquake in 2018. Photo cc by BASARNAS personnel

Prevention of and preparedness for displacement

Indonesia's legal and policy framework contains extensive provisions relating to disaster

risk reduction generally, including provisions relating to integrating DRR into development planning, addressing vulnerability, and enhancing participation of potentially affected groups. Provisions relating to strengthening infrastructure are also included in the framework. However, displacement does not feature as part of the prevention and preparedness measures of the DRR and CCA framework, with displacement addressed expressly as part of emergency response.

Protection during evacuation and throughout displacement

Multiple legal and policy documents address evacuation and protection during displacement, although only those provisions relating to the rights of persons with disabilities reflect an expressly rights-based approach. Other provisions adopt language such as ‘fulfilment of basic necessities’. Detailed provisions setting out timelines, roles and responsibilities were not identified in the review.

Durable solutions

The legal and policy framework contains still less guidance on how responsible actors should act to facilitate durable solutions for displacement. Although a number of legal and policy documents address ‘recovery and rehabilitation’, they do not address different forms of durable solution such as return, local integration and relocation. The fact that the duties of the Deputy for Rehabilitation and Reconstruction do not include the facilitation of durable solutions suggests that this critical aspect of displacement management is not in focus in Indonesia. There is no reference to the Inter-Agency Standing Committee (IASC) Durable Solutions Framework.

Nonetheless, there is a clear focus on rehabilitation, which is recognised in the Head of BNPB Reg. No. 14/2014 on matters relating to Handling, Protection and Participation of People with Disability during the Disaster Management as including key elements reflected in the Durable Solutions Framework, and the Head of BNPB Reg. No. 11/2018 on the Guidelines of Post-Disaster Rehabilitation and Reconstruction recognises that solutions should be durable rather than temporary. However, the focus is on durable solutions to disaster reconstruction generally, not disaster displacement in particular.

The existence of both law and policy concerning the rights of persons with disabilities, including in situations of disaster, which expressly invokes the Convention on the Rights of Persons with Disabilities, is the strongest example of a *non-discrimination and equality* approach in the Indonesian context. Additionally, Law 24/2007 identifies non-discrimination as a central principle of disaster management.

Understanding disaster and displacement risk did not stand out as a priority for the Indonesian disaster risk reduction and climate change adaptation system, with limited references to understanding community vulnerability generally, with limited consideration of the differential exposure and vulnerability that characterise disaster risk. Gathering data on displacement risk was not a feature of the legal and policy framework considered in the review.

No provisions were identified that address training or capacity strengthening relating to addressing disaster displacement.



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