

THAILAND NATIONAL LAW AND POLICY REPORT

CONSULTATION DRAFT 2020

Displacement in the Context of Disasters and Climate Change

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TABLE OF CONTENTS

1	INTRODUCTION	1
	1.1. A human rights-based approach	1
2	Displacement in Numbers	3
	2.1. Number of disasters and people affected in the last ten years (2009–2018)	3
3	Recommendations from Human Rights Monitoring Bodies	5
4	Legal and Policy Framework	8
	4.1. Prevention of and preparedness for displacement	11
	4.2. Protection during evacuation and throughout displacement	12
	4.3. Durable solutions to displacement	12

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 Guiding Principles on Internal Displacement 1998, 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 actors also contributes to transparency and accountability. Further, a human

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 20 April 2020.

3 *Global Platform on Disaster Risk Reduction 2019, Co-Chairs' Summary (GPDRR)*, see paras. 6, 12 and 28, <>, visited on 20 April 2020.

4 Para. 1 of the *Ulaanbaatar Declaration* at the Asian Ministerial Conference on Disaster Risk Reduction 2018 (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", <>, visited on 20 April 2020.

5 GPDRR, *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: "[m]anaging 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".

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, the 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: <>.

2 Displacement in Numbers

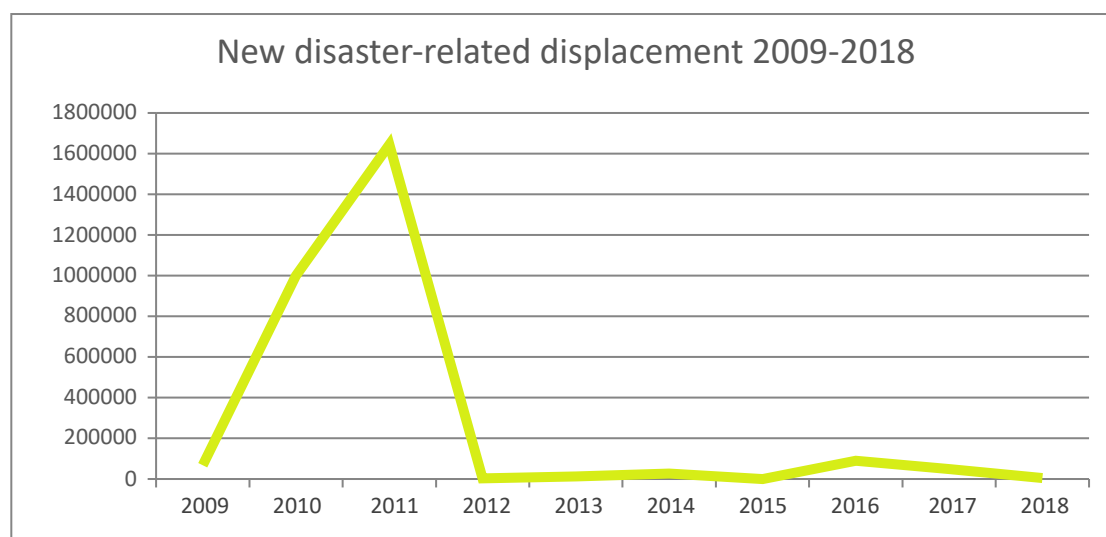
2.1. Number of disasters and people affected in the last ten years (2009–2018)

Hazard	Number	People affected ⁸
Drought	5	18,482,602
Earthquake	2	17,539
Epidemic	2	38,608
Extreme temperature / Cold wave	2	1,000,000
Flood	19	27,868,191
Storm	5	1,030,560
TOTAL	37	48,437,500

Source: <public.emdat.be>.

The highest percentage of newly displaced persons in any year relative to the national population was in 2011,⁹ when 1,645,000 out of 69,122,234 people were displaced, particularly due Thailand's worst flooding for half a century.¹⁰ This accounted for 2.38 per cent of the total population of the country.¹¹

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



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

8 '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*.

9 Source: Internal Displacement Monitoring Centre (IDMC), *Global Internal Displacement Database* (2018) <www.internal-displacement.org/countries/>, visited 21 April 2020.

10 Source: IDMC and Norwegian Refugee Council, 'Global estimates 2011: People displaced by natural hazard-induced disasters', June 2012.

11 Source: *ibid*.

With substantial displacement triggered by a variety of hazards, especially by flooding and drought that will only worsen due to climate change, how Thailand approaches the protection of persons from displacement, during evacuation, and throughout displacement and the facilitation of durable solutions has implication 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 Thailand'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.



A Thai commando watches as villagers of the Don Muaeng district in Bangkok, Thailand, remove sand bags from barriers to ease flooding in their residential areas, on 11-13-11 photo by jharja.blogspot.com

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, coupled with the reports of various Special Rapporteurs, a series of country-specific recommendations relating to climate change adaptation and disaster risk reduction and management has been consolidated.

Thailand is party¹² 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 (CESCR)
- International Covenant on Civil and Political Rights 1966 (CCPR)
- Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)
- Convention on the Rights of the Child 1989 (CRC)
- Convention on the Rights of Persons with Disabilities 2006 (CRPD).

The CCPR¹³ committee makes references to displaced people, particularly refugees, undocumented migrants and asylum seekers in Thailand. The CERD¹⁴ and CESCR¹⁵ committees address several displacement issues, in particular relating to indigenous peoples, refugees and stateless persons.

The CEDAW, CRPD and CRC committees consider disasters and climate change in important respects. Additionally, the Special Rapporteur on the human rights to safe drinking water and sanitation, Ms. Catarina de Albuquerque, visited Thailand in 2013, and reported on the situation of access to safe drinking water and sanitation, including access of displaced people to safe drinking water. These reports are addressed in turn below.

The CEDAW Committee, in its Concluding Observations,¹⁶ addresses displacement in the context of both disaster¹⁷ and development-induced displacement, including in relation to the zoning of national parks¹⁸. The reference to disaster is in relation to the exclusion of women, particularly rural women, in decision making and policy of implementation on climate change and disaster risk reduction, and notes that women are disproportionately

12 Source: <indicators.ohchr.org/>, visited on 22 April 2020

13 CCPR, Concluding Observations, <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/THA/CO/2&Lang=En>, visited on 22 April 2020.

14 CERD, Concluding Observations, <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/THA/CO/1-3&Lang=En>, visited on 22 April 2020

15 CESCR, Concluding Observations, <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/THA/CO/1-2&Lang=En>, visited on 22 April 2020.

16 CEDAW, Concluding Observations, CEDAW/C/THA/CO/6-7 (24 July 2017), <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/6-7&Lang=En>, visited on 22 April 2020.

17 *Ibid.*, paras. 46, 47.

18 *Ibid.*, paras. 42(c), 43(c).

affected by the effects of climate change and disasters.¹⁹ In this context, the Committee makes two recommendations:

- a) to ensure the effective participation of women, not only as those disproportionately affected by the effects of climate change and disasters but as agents of change, in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction.
- b) to ensure that such policies and plans explicitly include a gender perspective and take into account the particular needs of women, in particular rural women.”²⁰

In response to situations of risk and humanitarian emergencies the CRPD Committee, in its Concluding Observations,²¹ expresses concern about the lack of specific plans for prevention, protection and assistance for persons with disabilities in situations of risk and humanitarian emergencies, prepared in accordance with the SFDRR.²²

The Committee recommends that the State party adopt a disaster risk reduction and management plan that ensures accessibility and the inclusion of all persons with disabilities, and that provides for a single point of contact in situations of emergency and disasters, in accordance with the SFDRR.²³

The CRC Committee, in its Concluding Observations,²⁴ recognises budget allocation to the Ministry of Social Development and Human Security (MSDHS) under various categories and to budget education, but regrets the lack of further details on budgetary allocation to other sectors and areas for implementation of the full range of children’s rights.²⁵ In one of their recommendations, the Committee calls on the government to “define general strategic budgetary lines, and sectoral and local government allocations for children in disadvantaged or vulnerable situations that may require temporary social measures, including affirmative action, and make sure that those budgetary lines and allocations are protected even in situations of economic crisis, natural disasters or other emergencies”.²⁶

The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation, Catarina de Albuquerque, visited Thailand from 1 to 8 February 2013.²⁷ During her mission, she observed that the national statistics do not portray an accurate picture of the real situation on access to safe drinking water and sanitation, pointing out that

“the national monitoring excludes stateless people, refugees, undocumented migrants or migrants in an irregular situation – including sex workers – and those in informal settlements. Several million people are thus left out of the statistics”.²⁸

19 *Ibid.*, para. 46.

20 CEDAW, *supra* note 20, para. 47.

21 CRPD, Concluding Observations, CRPD/C/THA/CO/1 (12 May 2016), <tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/THA/CO/1&Lang=En>, visited on 22 April 2020.

22 *Ibid.*, para. 23.

23 *Ibid.*, para. 24.

24 CRC, Concluding Observations, CRC/C/THA/CO/3-4 (17 February 2012), >, visited on 22 April 2020.

25 *Ibid.*, para. 19.

26 *Ibid.*, para. 26(d).

27 Report of the Special Rapporteur on human rights to safe drinking water and sanitation, 16 July 2013 (A/HRC/24/44/Add.3), <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/156/02/PDF/G1315602.pdf?OpenElement>>, visited on 22 April 2020.

28 *Ibid.*, para. 20.

The Special Rapporteur also highlighted the gap in access to safe drinking water and sanitation between modern cities under rapid development and left-behind areas such as migrant workers' camps, hill tribes and informal settlements.²⁹

She also observed that as economic and industrial development in the country advances and forest areas are reduced, indigenous peoples have faced eviction, including forced eviction, as well as limitations in access to and availability of natural resources upon which they depend, including water.³⁰ In this context, she views the government's plan to push forward with passing a Community Rights Act to protect the management of natural resources (land, water, forests and sea) by communities themselves as a positive policy.³¹

In one of her recommendations, she urged the Government "to take affirmative action to reach 'invisible' individuals caught in a protection gap, including migrants, indigenous populations, informal settlement dwellers and prisoners".³²

No explicit reference is made to displacement in the context of disasters and climate change.

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

1. Adopt a gender equality approach to climate change adaptation and disaster risk reduction, involving women in the formulation and implementation of policies.
2. Strengthen human rights protection, incorporating protection against discrimination related to citizenship and access to basic services (including universal health care, adequate housing and land rights), as well as individuals' right to informed participation in decisions that will affect their lives.
3. Include displaced people in the national statistics, to provide a more accurate estimate of people's access to basic services.

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

29 *Ibid.*, para. 23.

30 *Ibid.*, para. 28.

31 *Ibid.*

32 *Ibid.*, para. 66.

4 Legal and Policy Framework

Thailand is located in one of the world's most disaster-prone regions, and is exposed to disasters caused by hydro-meteorological hazards such as floods, landslides, storms and droughts.³³ Climate change also causes an increase in the frequency and severity of hazards. The Climate Risks Index ranked Thailand eighth among countries most affected by climate change between 1999 and 2018.³⁴ Thailand is also one of the top ten countries most affected by extreme weather between 1999 and 2018.³⁵

Thailand is ranked the 88th most at-risk country globally from disasters triggered by six indicative natural hazards: earthquake, cyclone, tropical storm, flood, drought and sea-level rise, in the 2018 World Risk Index. In this index, Thailand's at-risk status is classified as medium risk in the categories of 'exposure', 'vulnerability', 'lack of coping strategies' and 'lack of adaptive strategies'.³⁶

The *Constitution of the Kingdom of Thailand* (The Constitution), the supreme law³⁷ with which all other Thai laws and policies must be consistent, is relatively new, promulgated in 2017. The Constitution establishes a unitary parliamentary system under a constitutional monarchy, comprising an executive branch headed by the Prime Minister; the National Assembly consisting of the House of Representatives and the Senate; the judiciary headed by the Supreme Court. The Constitution also establishes local administrative organisations, with the duties and powers to regulate and provide public services and public activities in the best interests of the people in that locality, in accordance with the principle of sustainable development and in line with the law.³⁸ The Thai National Assembly wields the sole power to create law from bills submitted by the Council of Ministers or at least one-tenth of the house of representatives. Once approved, the Prime Minister must present the law to the King for signature before it enters into force.³⁹

The Constitution provides for the protection of human dignity, rights, liberties and equality of all people.⁴⁰ Chapter 3 is dedicated to the rights and liberties of the "Thai People". It calls for the elimination of unjust discrimination on grounds of race, language, sex, age, disability, personal status, economic and social standing, religious belief and political view, and prescribes that men and women shall enjoy equal rights.⁴¹ This chapter also enshrines the rights to life, privacy, information, and a fair trial and an effective remedy⁴², as well as freedom of expression and assembly, to name a few.⁴³

33 >, visited on 27 April 2020.

34 Source: David Eckstein *et al.*, 'Global Climate Risk Index: Who Suffers Most from Extreme Weather Events? Weather-Related Loss Events in 2018 and 1999 to 2018' (briefing paper), German Watch, <www.germanwatch.org/en/crri>, visited on 27 April 2020.

35 *Ibid.*

36 H-J. Heintze *et al.*, 'World Risk Report 2018', Bündnis Entwicklung Hilft and Ruhr University Bochum - Institute for International Law of Peace and Armed Conflict, 2018, <reliefweb.int/sites/reliefweb.int/files/resources/WorldRiskReport-2018.pdf>, p. 48, visited 28 April 2020.

37 *Constitution of the Kingdom of Thailand* (The Constitution), s. 5.

38 *Ibid.*, s. 250.

39 *Ibid.*, ss. 81, 131.

40 *Ibid.*, s. 4.

41 *Ibid.*, s. 27.

42 The Constitution, *supra* note 38, ss. 28–29, 32, 41.

43 *Ibid.*, ss. 34, 44.

The Constitution also contains explicit provisions on the right to manage, maintain and utilise natural resources, the environment and biodiversity in a balanced and sustainable way.⁴⁴ It further stipulates that while people and communities may actively participate in managing natural resources, “the State shall undertake to study and assess the impact on environmental quality and health of the people or community and shall arrange a public hearing of relevant stakeholders, people and communities in advance in order to take them into consideration for the implementation or granting of permission as provided by the law.” Ultimately, the Constitution prescribes that the state shall allow local people and communities to participate in the conservation, protection, maintenance, restoration, management and utilisation of natural resources, the environment and biodiversity.⁴⁵

Thailand has a predominantly civil law legal system, meaning it is mostly based on written law adopted by the legislature. Primary sources of law include the Constitution, legislations, decrees and custom. Judicial decisions are not binding, but in practice Supreme Court decisions have some precedential value, and are often used as secondary authoritative sources of law.⁴⁶

The disaster risk management system in Thailand is mainly established under the *Disaster Prevention and Mitigation Act 2007* (DPM Act), forming the National Disaster Prevention and Mitigation Committee (NDPMC) responsible for disaster-related policymaking at the national level. The DPM Act designates the Department of Prevention and Mitigation as the primary state agency to execute disaster management activities, such as coordination of disaster operations, supporting government agencies in disaster management, creation of databases of safe areas, and disaster statistics, to name a few.⁴⁷ The DPM Act empowers local and provincial government with the responsibility for disaster management at the local level and requires the establishment of committees to advise on provincial disaster and mitigation plans. The Ministry of Defence also has a role, as it operationalises military disaster response under the *Defence Organisational Act 2008*.

Over the last decade, the Thai Government has taken some measures to advance Thailand’s disaster management and climate change adaptation in its national law and policy frameworks by adopting:

- *Disaster Prevention and Mitigation Act 2007* (DPM Act)
- National Disaster Risk Management Plan 2015 (NDRM Plan)
- National Climate Change Master Plan 2015–2050 (NCCMP)
- Twelfth National Economic and Social Development Plan 2017–2021 (TNESDP)
- 20-year National Strategy 2018–2037 (NS).

In relation to the *governance* element, the legal and policy framework in Thailand relating to DRRM and CCA does not adopt an expressly human rights-based approach. Although the NDRM Plan invokes a number of international standards and guidelines, such as the SFDRR and the UN Framework Convention on Climate Change, these relate specifically to DRRM

44 *Ibid.*, s. 43(2).

45 *Ibid.*, s. 58.

46 See <<https://unimelb.libguides.com/c.php?g=402982&p=4832968>>, visited on 28 April 2020

47 The Center for Excellence in Disaster Management & Humanitarian Assistance, *Thailand: Disaster Management Reference Handbook*, p. 36, <reliefweb.int/sites/reliefweb.int/files/resources/disaster-mgmt-ref-hdbk-2015-thailand.pdf>, visited on 21 April 2020

and CCA, even if the SFDRR does endorse a human rights-based approach at paragraph 19(c). Additionally, the Plan has not yet provided a clear gender-sensitive approach.

The NDRM Plan addresses displacement in different forms, but there is *no express policy* calling for the *mainstreaming* of displacement. The Plan mandates related agencies to develop further guidelines and procedures related to evacuation and shelter management, but does not expressly call for displacement to be mainstreamed in DRRM or CCA.

The NDRM Plan provides guidelines for evacuation and camp management, and briefly mentions the procedures for return. The Plan also calls on the respective government agencies to develop necessary plans and put procedures in place related to evacuation and camp management, but does not address the prevention of displacement or durable solutions to displacement.



Bangkok hits by severe floods in 2011 after canals and Chao Phraya river water spills their bank Photo by bertravel2011.wordpress.com

In relation to the *procedural* element, the NDRM Plan includes community-based disaster risk management as part of disaster risk reduction strategy. Thus, the community will be involved in all four phases of the disaster risk management cycle. Community members and other stakeholders in the community will collectively participate in the planning process, play a key role in decision making and collectively identify solutions for addressing the challenges related to disaster risk management. Provision is also made for boosting community involvement in reducing the prevailing disaster risk.

It is important to note that all of the legal and policy documents are rather silent on the right to free, prior and informed consent. The NDRM Plan, for example, recognises the need to provide advice and assistance to disaster-affected people on disaster-induced mobility and relocations, but it does not address the need for free, prior and informed consent.



The cyclonic storm Pabuk of Thailand has taken its stand towards India. photo by feedbyme.com

Delivery of disaster-related information to the population is addressed across the legal and policy framework, with multiple documents addressing early warning mechanisms, and more general dissemination of information. However, provisions relating to the collection, storage, access and use of information were not identified. Further, a provision to create web services and mobile applications to better reach “persons with special needs, people with disabilities or other vulnerable segments” is included in the NDRM Plan. However, no provisions were identified that recognise the need to tailor communication to ensure equality of access, for example in relation to persons with learning difficulties, persons living in more remote areas, those without access to digital technology, people who do not speak the majority language, illiterate people and so on.

The *substantive* element can best be addressed by breaking it down into measures to prevent and prepare for displacement, protect people during evacuation and throughout displacement, and facilitate durable solutions to displacement. Each is addressed in turn.

4.1. Prevention of and preparedness for displacement

No provisions were identified that relate specifically to the prevention of displacement, although DRR measures in the NDRM Plan and the TNESDP relating to infrastructure enhancement can help to achieve this aim. Preparedness measures identified in the NDRM Plan include the arrangement of temporary shelters that should meet the minimum Sphere Standards. No provisions were identified relating to conducting local-level vulnerability and capability assessments to identify individuals and groups facing a heightened risk of being displaced, or who may have particular vulnerabilities in the context of displacement, and, notwithstanding reference to the Sphere Standards, no other international standards and guidelines relating to the identification, accessibility and management of evacuation centres were identified.

4.2. Protection during evacuation and throughout displacement

A number of provisions in the NDRM Plan address issues relating to shelter, food, water and sanitation, and family unity, and there is some reference to the Sphere Standards. However, measures are not expressly rights-based and are not informed by other international standards and guidelines, such as the IASC Guidelines on the Protection of Persons in Situations of Natural Disaster, the MEND Guide, and the Guiding Principles on Internal Displacement, amongst others. Some notable provisions nevertheless address important issues relating to the protection of people during evacuation, including in relation to safety and security, as well as the protection of property left behind. The Plan does not address challenges associated with longer duration displacement.

Other documents in the legal and policy framework do not address protection during and throughout displacement.

4.3. Durable solutions to displacement

The legal and policy framework does not invoke the concept of durable solutions, but does contain some measures that address aspects of durable solutions, including in relation to access to livelihoods, employment and housing, and land and property rights. However, without focusing on the question of durable solutions to displacement, the legal and policy framework does not fully address the range of considerations necessary.

The *non-discrimination and equality* element is integrated into the NDRM Plan, with a focus on the situation of 'vulnerable groups', including in the context of access to information and protection during evacuation.



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