

VANUATU NATIONAL LAW AND POLICY REPORT

CONSULTATION DRAFT 2020

Displacement in the Context of Disasters and Climate Change

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WALLENBERG
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2020

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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 2019, 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 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 actors also contributes to transparency and accountability.

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 2002

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, *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".

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/>, visited on 27 October 2020

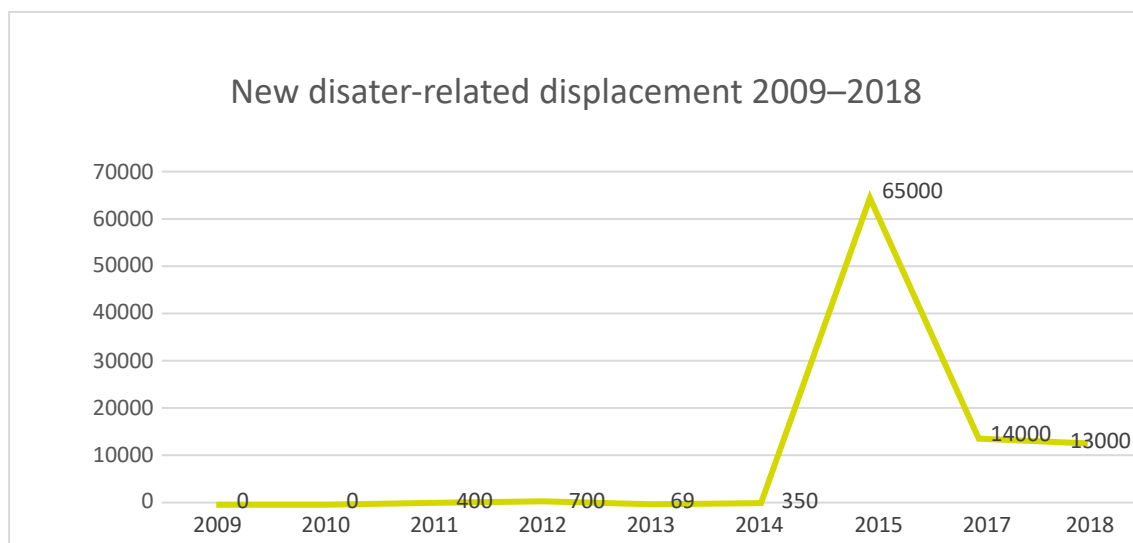
2 Displacement in Numbers

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

| Hazard | Number | People affected ⁸ |
|---|-----------|------------------------------|
| Epidemic | 1 | 351 |
| Flood | 1 | 950 |
| Storm | 5 | 451,400 |
| Volcano | 3 | 18,686 |
| TOTAL | 10 | 471,387 |
| Source: < public.emdat.be >. | | |

Storms, without question, are the primary hazard events that adversely impact people living in Vanuatu. Displacement emerges as one of the major impacts of storms, with 2015 reflecting this impact very clearly. Indeed, of the 93,519 persons displaced in the last ten years, 65,000 were newly displaced in 2015, the year of Cyclone Pam.⁹ This figure represents 25 per cent of the total population of the country.¹⁰

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



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

As will become clear from the review of domestic law and policy later in this document, Cyclone Pam was a clear catalyst for the development of a number of legal and policy documents that reflect an increasing awareness of and commitment to international standards relating to disaster displacement. Before setting out this legal and policy framework, however, attention first turns to comments made by human rights treaty monitoring bodies and

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: <www.internal-displacement.org/database>, visited on 27 October 2020

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

mandate holders on Vanuatu's preparedness infrastructure.

With substantial displacements triggered by a variety of hazards, how Vanuatu 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 Vanuatu'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.

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 treaty 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.



Mataso Island Photo Credit: Ps0p7767

Vanuatu is party¹¹ to the following international human rights treaties of relevance to displacement in the context of disasters and climate change:

- International Covenant on Civil and Political Rights 1966 (ICCPR)
- 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 HRC has not produced Concluding Observations for Vanuatu. The CEDAW, CRC and CRPD committees consider disasters and climate change somewhat briefly. In addition, a report from the Human Rights Council on the occasion of Vanuatu's appearance for Universal Periodic Review procedure addresses disasters, as does a statement by several Human Rights Council mandate holders, writing in the aftermath of Cyclone Pam in 2015. These reports and statements are addressed in turn below.

The CEDAW Committee, in its Concluding Observations,¹² comments positively on the 2016–2030 Climate Change and Disaster Risk Reduction Policy (described in more detail in Section 4) and notes the particular vulnerability of women to climate change and disasters because of their day-to-day reliance on natural resources. Of particular concern is the failure to include women in information-sharing procedures, and the failure to consult them in the policy formulation phase of DRR initiatives.¹³ The recommendation made by the Committee is that women in Vanuatu, including those in more remote parts of the country, be included and actively participate in “planning, decision-making and implementation processes concerning disaster risk reduction, post-disaster management and climate change policies”.¹⁴

The National Guidelines for Assessment and Selection of Evacuation Centres 2016, which are discussed later in this report, note the gendered nature of displacement and the importance of gender responsiveness. However, it is in the National Policy on Climate Change and Disaster-Induced Displacement 2018 (NPCCDID) that gender responsiveness, social inclusion and women's leadership are identified as cross-cutting issues. The Policy underscores the necessity of supporting women's leadership.¹⁵

The CRC Committee, in its Concluding Observations,¹⁶ welcomes updates to the Nation Reviewed Curriculum which mainstreamed Disaster Risk Management, Climate Change Adaptation and Energy. However, it expresses concern over:

- Vanuatu's failure to update school curricula to include CCA and DRR
- the absence of an adequate social protection system that addresses disaster situations
- the failure to accommodate children with special needs in planning for the preparation, response and recovery phases of disasters
- schools being structurally unsound and inaccessible during disasters.

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

12 CEDAW, Concluding Observations, CEDAW/C/VUT/CO/45 (9 March 2016), <tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/VUT/CO/4-5&Lang=En>, visited on 27 October 2020

13 *Ibid.* para. 36

14 CEDAW, *supra* note 13, see para. 37.

15 National Policy on Climate Change and Disaster-Induced Displacement 2018 (NPCCDID), p. 19.

16 CRC, Concluding Observations, CRC/C/VUT/CO/2-4 (29 September 2017), <tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/VUT/CO/2&Lang=En>, visited on 27 October 2020

In line with target 13b of the Sustainable Development Goals, which promotes mechanisms for capacity building in relation to climate change planning and management, the Committee recommends that Vanuatu:

- incorporate DRR and CCA in the school curriculum, and include programmes like early warning systems
- create a comprehensive social protection system that addresses disaster situations, taking into account the special needs of vulnerable children (consultation with them is preferable in this regard)
- incorporate emergency and other forms of assistance to children with disabilities in disaster situations
- improve the structural integrity of schools, and educate children about climate change and disaster preparedness
- consider alternative teaching methods at those schools likely to be affected by severe weather, especially those in remote or rural areas
- improve data gathering and assessment mechanisms for evidence-based risk reduction and preparedness initiatives, especially in relation to children with disabilities.¹⁷

No reference is made to displacement in the context of disasters and climate change. However, given the centrality of evacuation to disaster risk management, it is relevant to point to the focus on improving the structural integrity of schools given the frequent use of schools as evacuation centres.

The initial report¹⁸ by Vanuatu was submitted to the Committee on the Rights of Persons with Disabilities on 2 October, 2017. The Report explains that a framework addressing the particular situation of persons with disabilities in disasters is being developed and will be integrated into the Disability Act. A partnership has been established with Oxfam to establish the Vanuatu Humanitarian Team, which includes addressing the safety of persons with disabilities in disasters.

The report confirms that, in relation to Cyclone Pam, 26 persons with disabilities were evacuated to different evacuation centres, and some others stayed with family members. Considering the fact that 65,000 persons were displaced in the context of Cyclone Pam, there would appear to be more work needed in order to ensure equal protection of persons with disabilities in situations of disaster.

The report identifies the 2012 National Tsunami Plan (considered in Section 4 below), as well as some district-level plans, as being inclusive of persons with disabilities. However, very limited information is provided in the report concerning how the plans address the particular situation of persons with disabilities.

The CRPD Committee, in its Concluding Observations,¹⁹ expressly addresses the issue of the evacuation of persons with disabilities:

17 CRC, *supra* note 17, para. 43.

18 See: <tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fVUT%2f1&Lang=en>, visited on 27 October 2020

19 CRPD, CRPD/C/VUT/CO/1 (13 May 2019), <tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/VUT/CO/1&Lang=En>, visited on 27 October 2020.

“The Committee notes the vulnerability of the State party to natural disasters and is concerned that persons with disabilities are not sufficiently involved in disaster risk reduction plans at the national, provincial and community levels. The Committee is also concerned that some persons with disabilities were left behind during the evacuation from Ambae Island in 2018 and that there have been no unified measures taken to establish an emergency notification system that is accessible for all persons with disabilities regardless of the type of impairment.”²⁰

The Committee:

“recommends that the State party: (a) Improve the accessibility of warning information for persons with all types of impairment, particularly for persons with visual and hearing impairments and those with intellectual disabilities; (b) Closely consult persons with disabilities through their representative organizations on the design and implementation of all disaster risk reduction plans at the national, provincial and community levels, and adopt a comprehensive strategy, which incorporates recommendations made in the joint study entitled Disability Inclusion in Disaster Risk Reduction: Experiences of people with disabilities in Vanuatu during and after Tropical Cyclone Pam and recommendations for humanitarian agencies, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 and Sustainable Development Goals 11 and 13; (c) Continue to ensure that clusters under the National Disaster Management Office, including the Gender and Protection Cluster, adequately address the specific requirements of all persons with disabilities in disaster risk responses.”²¹

On 20 March 2015, the Special Rapporteurs on adequate housing, the human rights of internally displaced persons and the rights of persons with disabilities, together with the Independent Expert on the enjoyment of all human rights by older persons, issued a *Statement by human rights experts on post-Cyclone Pam response from a human rights-based approach*.²² The Statement called upon the government of Vanuatu and the global community to adopt a human rights-based approach to post-Cyclone Pam recovery and rebuilding efforts. Their observations warrant quoting at length, as they express the intersecting human rights challenges that are common to disaster displacement situations worldwide:

“Temporary housing is an essential aspect of an emergency response, however it must still meet human rights standards and it must not be the sole focus. Those who are staying with relatives or families should also be assisted appropriately. Longer-term housing needs must also be considered and planned for immediately.

“Lessons learned from past natural disasters around the world shed light on the way forward. In all phases of disaster response the right to adequate housing should be respected and protected. This means ensuring security of

20 *Ibid.* para 20

21 *Ibid.* para 21

22 United Nations Office of the High Commissioner of Human Rights, ‘Vanuatu: After devastation, UN experts call to protect human rights of all in disaster response’, 20 March 2015, <www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15739&LangID=E>, visited on 27 October 2020

tenure; availability of services, materials, facilities and infrastructure; affordability, habitability and accessibility of housing; an appropriate location for housing; and cultural adequacy.

“We are concerned over the conditions in evacuation centres, which reportedly vary enormously, with overcrowding, privacy and security identified as serious issues. We are particularly concerned about the risk of sexual violence against women and girls, as lighting is lacking in most of the centres.

“In the coming months as the rebuilding process evolves, access to housing, land or space will become an important part of rehabilitation. We are particularly concerned for the most marginalized groups. They will need special attention – for example, women’s privacy needs and the rights and needs of those with disabilities must be addressed. An age perspective has also to be included in all stages of disaster management and policies, from their elaboration to their execution.”

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

- Promote active participation of women in all phases of disaster risk management and climate change adaptation initiatives, including in more remote areas.
- Address the particular situation of persons with disabilities, taking into account intersecting vulnerabilities.
- Take steps to ensure the continued enjoyment of human rights in emergency and reconstruction phases, including in relation to rights to education, social protection, shelter, privacy, land and property and physical security.

Although not expressly related, these observations also apply in the context of disaster displacement. Some of these recommendations appear to find expression in the domestic legal and policy documents addressed below.

4 Legal and Policy Framework

Vanuatu's constitution guarantees a range of civil and political rights, including the right to life, the right to freedom of movement, and the right to freedom from unjust deprivation of property.²³

The traditional chiefly governance structure still operates today in parallel to the central government of Vanuatu. The position of village chief is inherited by bloodline, while regional or district chiefs are generally elected by the village chiefs. The chiefs exercise customary authority within local communities and the *Malvatumauri* (the National Council of Chiefs) has a constitutional role at village, island and provincial levels.²⁴ The District Council of Chiefs is responsible for electing the Malvatumauri, which serves an important consultative role to the national government on matters of customary law, tradition and culture.



Damage from Cyclone Pam on Tanna Island in March 2015. Photo cc by Dan McGarry

As a nation of some 82 islands spread across a distance of approx. 1500kms, around 65 of which are inhabited, central governance in Vanuatu is undermined by considerable logistical challenges. As a result, in many communities the local chiefs (often supported primarily by local churches) carry out the vast majority of governance activities, while the national government, though constitutionally superior, is rarely present in practice. Across the country, the relationship and division of authority between the chiefs and the central government defies any precise separation, and is constantly evolving over time. The chief system itself “varies according to time and place and is highly fluid”.²⁵

²³ Constitution of the Republic of Vanuatu 1980 (rev. 2006), Art. 5(1).

²⁴ Pacific Islands Legal Information Institute, 'Vanuatu System of Government Information', <www.pacii.org/vu/government.html>.

²⁵ See Duncan Green, 'Of MPs, chiefs and churches: Vanuatu's parallel governance systems', *Oxfam, From Poverty to Power*, 11 December 2015, <oxfamblogs.org/fp2p/of-mps-chiefs-and-churches-vanuatus-parallel-governance-systems/>, visited on 27 October 2020. See also M. Cox *et al.*, 'The Unfinished State: Drivers of Change in Vanuatu' (AusAID, 2007), <oxfamblogs.org/fp2p/wp-content/uploads/2015/12/Unfinished-State-Vanuatu-DOC-Final-Report-April-07.pdf>, Section IV.

While the chiefly governance system remains highly popular and presents considerable advantages for the distribution of governance in a geographically fragmented nation, the socially conservative tendencies of traditional governance have also raised serious concerns about the protection of women, in particular.²⁶ Chiefs are exclusively men, and the institution perpetuates male-dominated decision making in the communities. Chief-led conflict resolution, including cases of gender-based violence and abuse, typically prioritise family unit cohesion over the rights and interests of victims, and compensation is usually paid to the family rather than individual victims.²⁷



The aftermath of Tropical Cyclone Winston on Koro Island Photo Credit: UNDP/Romain Desclous

As one of the world's most vulnerable countries to natural disasters, and now finding itself on the front line against some of the most severe emerging consequences of climate change, it is perhaps not surprising that Vanuatu has a relatively expansive suite of laws and policies dedicated to preparation, risk reduction and response management for natural disasters, as well as climate change and disaster-related displacement. Policies are implemented and responses coordinated by the National Disaster Management Office (NDMO), which is a department of the Ministry of Climate Change and Adaptation.²⁸ The positioning of the NDMO under this ministry is reflective of the strong connection between climate change and the increasing frequency and intensity of disasters in the Pacific. Vanuatu is one of only

²⁶ Cox *et al.*, *supra* note 24.

²⁷ See generally: E. Huffer and G. Molisa, 'Governance in Vanuatu' 14(1) *Pacific Economic Bulletin* (1999) 101; UNDAC, 'Second Phase Harmonized Assessment Report, Vanuatu: Tropical Cyclone Pam', *United Nations Office for the Coordination of Humanitarian Affairs* (OCHA) (17 April 2015).

²⁸ <ndmo.gov.vu/>, visited on 27 October 2020

a handful of countries in the Asia Pacific region (and indeed the world) to have a ministry dedicated to climate change.

In the wake of Cyclone Pam, the government introduced several new and overlapping policies regarding disasters, climate change and displacement. These include:

- Climate Change & Disaster Risk Reduction Policy 2016–2030
- National Guidelines for Selection and Assessment of Evacuation Centres 2016
- National Cyclone Support Plan 2016–2017
- Country Preparedness Package 2017.²⁹

Earlier relevant documents include:

- *National Disaster Act 2000*
- National Adaptation Programme for Action 2007
- National Tsunami Support Plan 2012.

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.



Devastation after Cyclone Pam in Vanuatu on 14 March 2015 Photo Credit: Humans of Vanuatu, cc by Graham Crumb

In relation to the *governance* element, the NPCCDID is particularly noteworthy, as it adopts an expressly human rights-based approach, and draws on the Guiding Principles on Internal Displacement as well as other key international standards and guidelines, including the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, the IASC Framework on Durable Solutions, the Framework for Pacific Regionalism and the SAMOA Pathway, amongst others. It contains measures focusing predominantly on prevention of displacement and durable solutions, with slightly less

²⁹ Government of Vanuatu, 'Climate Change and Disaster Risk Reduction Policy (2016–2030)', www.nab.vu/vanuatu-climate-change-and-disaster-risk-reduction-policy-2016-2030, visited on 27 October 2020.

focus on protection during evacuation and throughout displacement. It expressly calls for displacement considerations to be mainstreamed across sectoral programmes.

Other documents address displacement at length, but are less expressly grounded in human rights. The National Guidelines for Selection and Assessment of Evacuation Centres set out detailed considerations for selecting evacuation centres, with a focus on addressing the particular needs of persons in situations of potential vulnerability. Measures to prepare for displacement, protect people during displacement and facilitate durable solutions are in focus. The Sphere standards and the IASC Framework on Durable Solutions are invoked in this document, but not engaged with in any depth.



Eruption of Mt Yasur on Tanna Island. Photo cc by Rolf Cosar

The Climate Change and Disaster Risk Reduction Policy 2016–2030 also includes measures to prepare for and protect people during displacement.

The National Cyclone Support Plan 2016–2017 contains multiple provisions relating to preparedness for and protection during evacuation and displacement.

The National Tsunami Support Plan requires the NDMO to identify relocation areas for affected populations and negotiate with local authorities and owners of customary land for their possible resettlement.

The National Adaptation Programme for Action is largely silent on displacement, although there is passing mention of relocation of settlements. Relocation of settlements and relevant infrastructure is identified as an adaptation option in response to coastal erosion, cyclones and flooding in all six provinces.

The Evacuation Centres, Displacement Coordination and Durable Solutions section of the Country Preparedness Package identifies a number of actions being taken to address

displacement risk in Vanuatu, and represents an important reference point for identification of relevant actors working on the issue.

The *procedural* element is well reflected in the legal and policy framework, again with the NPCCDID leading from a human rights-based approach. The Policy makes multiple references to the principle of free, prior and informed consent, in particular in relation to durable solutions to displacement.

The NPCCDID emphasises the importance of the involvement of women in decision making and addresses gender responsiveness, community participation and climate change adaptation as cross-cutting issues. The policy notes the cross-cutting nature of women's leadership, social inclusion and gender responsiveness. Women are often excluded from decision-making processes, and the policy emphasises the need to support women's leadership. Also highlighted is the need to consult with other marginalised groups for more effective policies, e.g. persons with disabilities, children and youth, and elderly people. The policy also eschews top-down initiatives for bottom-up, community-led initiatives in order to increase participation and coercion-free decision making on durable solutions.

The National Adaptation Programme for Action recommends that vulnerable groups be given "equal and active participation ... in decision-making bodies at all governance levels via all partners and stakeholders."

Under the NPCCDID, access to information is recognised as playing a role in the severity of displacement, particularly during the emergency phase, and the National Cyclone Support Plan contains provision for a colour-coded alert system to facilitate transmission of quick and decisive information.

The *substantive* element is best considered in relation to the prevention of and preparedness for displacement, protection during evacuation and facilitation of durable solutions.

4.1. Prevention of and preparedness for displacement

Multiple legal and policy documents include measures that relate to the prevention of and preparedness for displacement, with the NPCCDID being particularly noteworthy in its express identification of measures to actively reduce displacement risk. Other documents focus heavily on the identification and management of evacuation centres, which is a key preparedness measure. There is a consistent focus in these documents on the particular situation of traditionally marginalised groups, including specific provisions relating to protection from gender-based violence in evacuation centres that are in line with international standards and guidelines.

Reference to a 'self-sufficiency' requirement under the National Cyclone Support Plan highlights the challenges of a human rights-based approach in contexts where the state may be a distant actor, and one with limited resources. International human rights law clearly imposes duties on the state to ensure the minimum core of economic and social rights, including the rights to food, shelter and health care, including in situations of disasters. A self-sufficiency requirement may be at odds with this principle, but may not be if the state can demonstrate that it is taking steps, to the maximum of available resources, in accordance with the ICESCR.

4.2. Protection during evacuation and throughout displacement

The NPCCDID calls for training of focal points on displacement and internal migration tracking to undertake rapid assessments and surveys at key locations, such as evacuation centres. Priority is also given to developing standard operating procedures (SOPs) on evacuation and temporary displacement scenarios. Particular attention is paid to persons living in informal settlements. The Policy includes provisions relating to special protection and assistance for vulnerable groups' liberty, dignity and security during displacement and recovery; non-discrimination in the provision of food, water, sanitation, medical attention and shelter; and education.

Further, complementary provisions relating to protection during evacuation and throughout displacement are found in the National Guidelines for Selection and Assessment of Evacuation Centres, Climate Change and Disaster Risk Reduction Policy, and the National Cyclone Support Plan. Only the NPCCDID is expressly based on human rights.

4.3. Durable solutions

Achieving durable solutions to displacement is a central objective of the NPCCDID, with the term mentioned 53 times across the 59-page document. It is therefore not surprising that the Policy adopts the core international standards relating to this phase of the displacement cycle, including the IASC Framework on Durable Solutions, which reflects and develops the Guiding Principles on Internal Displacement.

The principle of voluntary and informed consent is expressly incorporated.

Durable solutions are also partly in focus in the National Guidelines for Selection and Assessment of Evacuation Centres and the Climate Change and Disaster Risk Reduction Policy.

The *non-discrimination and equality* principle is integrated across the framework.

In light of the foregoing, it is clear that, particularly since Cyclone Pam in 2015, Vanuatu has committed itself to addressing displacement in the context of disasters and climate change through the introduction of a host of policy measures. Together, this body of policy (not law) mainstreams displacement considerations into DRRM and CCA, albeit without simultaneously *mainstreaming* a human rights-based approach.



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