

**Human Rights Council
Fifty-sixth session**

18 June–12 July 2024

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Planned relocations of people in the context of disasters and
the adverse effects of climate change****Report of the Special Rapporteur on the human rights of internally
displaced persons, Paula Gaviria Betancur****Summary*

In the present report, submitted to the Human Rights Council pursuant to Council resolution 50/6, the Special Rapporteur on the human rights of internally displaced persons, Paula Gaviria Betancur, describes the activities undertaken in fulfilment of her mandate during the reporting period and since her previous report to the General Assembly (A/78/245). She also presents a thematic study on the planned relocation of people in the context of disasters and the adverse effects of climate change.

The Special Rapporteur concludes that relocations may become increasingly inevitable as areas of origin disappear or become uninhabitable. Planned relocations, whether anticipatory or responsive, should be a last resort, used only when sustaining settlements is impossible. In the context of disasters and the adverse effects of climate change, planned relocations can endanger a wide range of human rights and have profound social and cultural consequences. When all options are exhausted, well-planned, financed and implemented planned relocations that prioritize community needs can mitigate displacement risks, protect human rights from the start and lay the foundation for durable solutions. This requires a government-led whole-of-society approach with human rights-based frameworks in accordance with international human rights norms and standards.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction

1. In the present report, the Special Rapporteur on the human rights on internally displaced persons provides information on the activities she conducted from August 2023 to April 2024.
2. The thematic focus of the report is planned relocation of people in the context of disasters and the adverse effects of climate change. Previous mandate holders introduced the issue of planned relocations in their reports on climate change and internal displacement,¹ as well as internal displacement in the context of the slow-onset adverse effects of climate change.² The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the rights to non-discrimination in this context has examined resettlement as a human right crisis.³
3. Building upon these contributions, the Special Rapporteur on the human rights on internally displaced persons aims to identify key human rights challenges posed by planned relocation in the context of disasters and the adverse effects of climate change and to propose a human rights-based approach to planned relocations.
4. To inform the report, the Special Rapporteur conducted a desk review, issued a call for input and held four consultations with representatives of civil society, academia and other organizations based in Asia, the Pacific, Americas, Europe and Africa.⁴ She also held a consultation with participants of a course on internal displacement hosted by the International Institute of Humanitarian Law. The Special Rapporteur thanks all partners and stakeholders who participated in the consultations and provided written submissions.⁵

II. Activities

5. The Special Rapporteur presented her first annual report to the General Assembly⁶ on 23 October 2023. In the report, she provided an update on the activities undertaken since the presentation of her first report to the Human Rights Council in July 2023, and outlined the thematic priorities on which she intended to focus during her mandate.

A. Country visits

6. At the invitation of the Government of Mozambique, the Special Rapporteur undertook an official visit to Mozambique from 9 to 21 November 2023.⁷
7. The Special Rapporteur regrets the decision of the Government of South Sudan to postpone the country visit scheduled for 9 to 20 October 2023. She reiterates her interest in visiting South Sudan and looks forward to discussing convenient dates.
8. The Special Rapporteur expresses her gratitude to the Government of the Marshall Islands and the Government of Vanuatu for the invitations to conduct a country visit, and looks forward to agreeing on convenient dates.

B. Advocacy and stakeholder engagement

9. The Special Rapporteur continued to actively participate in the independent review of the humanitarian response to internal displacement held by the Inter-Agency Standing Committee as a member of the Committee principals and deputies, as well as the reference

¹ A/64/214 and A/66/285.

² A/75/207.

³ See A/HRC/55/53.

⁴ The Special Rapporteur thanks the Platform on Disaster Displacement for facilitating consultations.

⁵ Submissions are available at www.ohchr.org/en/calls-for-input/2024/call-input-hrc56-thematic-report-climate-change-and-internal-displacement.

⁶ A/78/245.

⁷ See A/HRC/56/47/Add.1.

group that advised the review team. In addition, she regularly engaged with the Committee principals and deputies, with whom she advocated for greater attention to the protection and human rights of internally displaced persons in ongoing humanitarian crises, including in the Occupied Palestinian Territory, the Democratic Republic of the Congo, Haiti, Myanmar, the Sudan and Ukraine. The Special Rapporteur also issued numerous communications, news releases and media statements, engaging in regular discussions on them and on other internal displacement situations.

10. As a co-lead of the IDP Protection Expert Group, together with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Global Protection Cluster, the Special Rapporteur led a mission with IDP Protection Expert Group members to Ukraine in November 2023 at the invitation of the Ukrainian Parliament Commissioner for Human Rights. The mission coincided with the first meeting of the nationwide Ukrainian forum of councils for internally displaced persons, convened by the Deputy Prime Minister and Minister for Reintegration.

11. The Special Rapporteur made keynote opening remarks for online courses on internal displacement in Spanish, French and English at the International Institute of Humanitarian Law and contributed to numerous events, such as the 2024 Economic and Social Council Partnership Forum, the Internal Displacement and Solutions Conference, the Global Conference on Internally Displaced Persons and the twenty-fifth anniversary event held by the Internal Displacement Monitoring Centre.

III. Planned relocations of people in the context of disasters and the adverse effects of climate change

A. Conceptual approach

12. Internal displacement in the context of sudden and slow-onset disasters and the adverse effects of climate change is expected to increase as climate change intensifies.⁸ The impact of climate change also increasingly intersects with conflict. Of the 20 countries most vulnerable to climate change, the majority are at war.⁹ Moreover, 70 per cent of internally displaced persons are in fragile or conflict-affected States that are particularly vulnerable to the adverse effects of climate change.¹⁰ As internally displaced persons are highly vulnerable as a result of displacement, it is critical to reflect on how to mitigate the harm they endure.

13. People have the fundamental right to stay in their homes or return after displacement. Priority should therefore be given to climate adaptation and mitigation measures and disaster prevention to keep human settlements intact whenever possible. Relocation should only be regarded as a last resort, if necessary to protect life and health and based on consultation with affected communities or at their request.

14. Planned relocations should only be undertaken in exceptional circumstances where they are unavoidable and absolutely required owing to the impracticality of sustaining human settlements in areas prone to danger.¹¹ They must be conducted in a non-discriminatory manner, be consistent with the human rights obligations of the State, meet substantive and procedural safeguards and take place in conditions of safety and dignity. Particular care must be taken to protect groups with a special dependency on and attachment to their lands.

15. Provided that human rights and community well-being are fully respected, protected and prioritized throughout all phases, planned relocations can foster durable solutions for

⁸ Intergovernmental Panel on Climate Change, “Technical summary”, in *Climate Change 2022: Impacts, Adaptation and Vulnerability* (Cambridge and New York, Cambridge University Press, 2022).

⁹ International Committee of the Red Cross (ICRC), *When Rain Turns to Dust: Understanding and Responding to the Combined Impact of Armed Conflicts and the Climate and Environment Crisis on People’s Lives* (2020).

¹⁰ See www.ohchr.org/sites/default/files/documents/issues/climatechange/cfis/cfi-loss-damage-study/submissions/subm-impact-loss-damage-un-enti-unhcr.docx.

¹¹ Guiding Principles on Internal Displacement., principles 7 (1) and 24.

internally displaced communities who are unable to return to their former homes because affected areas have become uninhabitable or too dangerous for human habitation or, such as in the case of sea level rise or certain landslides, have simply disappeared as a consequence of natural hazards and the negative effects of climate change.

16. Various terms are used to describe movements and settlement in the context of disasters and the adverse effects of climate change. “Planned relocations” and “resettlement” are often used interchangeably in scholarly literature and standards.¹² In his 2024 report, the Special Rapporteur on the right to adequate housing used the term “resettlement” which “is understood as the relocation of a group of people, large or small, to a new location where they re-establish their habitual place of residence and rebuild their lives and livelihoods.”¹³ In its subsequent resolution 55/11, the Human Rights Council invited States and other stakeholders to contribute to the development of the guidelines on resettlement to be undertaken by the Special Rapporteur on the right to adequate housing. The Special Rapporteur remains available to contribute to these efforts.

17. For the purpose of the present report, the Special Rapporteur will use the term “planned relocation” as agreed upon by the States parties to the United Nations Framework Convention on Climate Change,¹⁴ and used in the processes for the Framework Convention¹⁵ and the Sendai Framework for Disaster Risk Reduction 2015–2030.¹⁶ States have also embraced this terminology outside the Framework Convention and Sendai processes.¹⁷

18. Planned relocation is thus understood in the present report as a

planned process in which ... groups of persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives. Planned relocation is carried out under the authority of the State, takes place within national borders, and is undertaken to protect people from risks and impacts related to disasters and environmental change, including the effects of climate change.¹⁸

Planned relocations may be preventive in anticipation of a disaster or responsive in the aftermath of a disaster,¹⁹ and establishing the conditions for relocated persons to rebuild their lives in the relocation area is the equivalent of facilitating the achievement of durable solutions for internally displaced persons.²⁰

19. Like planned relocations, evacuations and evictions in the context of disasters and the adverse effects of climate change are movements of people that should only be carried out in exceptional circumstances and in full compliance with international human rights and humanitarian law.²¹ They differ, however, from planned relocations. Planned relocations are intended to be permanent, while evacuations are meant to be temporary.²² In planned

¹² Submission by David James Cantor.

¹³ A/HRC/55/53, para. 6.

¹⁴ Cancun Adaptation Framework (FCCC/CP/2010/7/Add.1, para. 14 (f)).

¹⁵ FCCC/CP/2018/10/Add.1, decision 10/CP.24, annex.

¹⁶ Para. 27 (k): “To formulate public policies, where applicable, aimed at addressing the issues of prevention or relocation, where possible, of human settlements in disaster risk-prone zones.”

¹⁷ See https://forumsec.org/sites/default/files/2024-02/Pacific_Regional_Framework_on_Climate_Mobility.pdf.

¹⁸ Brookings, Georgetown University and UNHCR, *Guidance for Protecting People from Disasters and Environmental Change through Planned Relocation*.

¹⁹ International Federation of Red Cross and Red Crescent Societies, *Law and Disaster Preparedness and Response: Multi-Country Synthesis Report* (2019), p. 101; and submission by David James Cantor.

²⁰ Erica Bower and Elizabeth Ferris, “Planned relocations and durable solutions: learning from parallel conversations”, *Researching Internal Displacement*, 12 March 2024; and submission of David James Cantor.

²¹ In situations of armed conflict, temporary evacuations for reasons related to the conflict are permitted only where the security of the civilians involved or imperative military reasons so require (Geneva Convention relative to the Protection of Civilian Persons in Time of War, art. 49; and Protocol II Additional to the Geneva Conventions of 1949, art. 17 (1)).

²² UNHCR, Global Protection Cluster Working Group, *Handbook for the Protection of Internally*

relocations, people are relocated to a specific location rather than simply made to leave from a location, as in the case of an eviction. Movement in the context of disasters and the adverse effects of climate change does not constitute planned relocation unless it is part of a planned process aimed at addressing specific hazard-related issues, such as mitigating flood risk.

20. The question of when planned relocation constitutes internal displacement deserves specific consideration. Internal displacement includes situations where people have been forced or obliged to flee or to leave their homes or places of habitual residence as a result of natural or human-made disasters, and have not crossed an internationally recognized State border.²³ The defining factor is the involuntary nature of movement. Thus, planned relocations constitute internal displacement when people are made to relocate against their will. In the case of environmental pressures, however, the line between voluntary movement and forced displacement is often blurred. Communities may consent to relocate in the face of threats like sea level rise, but such consent is influenced by the pressing need to avoid imminent danger rather than being based on a wholly free choice.²⁴

21. Principle 6 of the Guiding Principles explicitly recognizes the right not to be arbitrarily displaced and prohibits the forced movement of people affected by disasters unless required to protect their safety and health; thus, while planned relocations can be essential for the safety and/or health of the relocated persons when used as a measure of last resort, they may in other circumstances amount to arbitrary displacement. Displacement that fails to comply with the minimum requirements of due process and other safeguards, that lasts longer than necessary or that has a long-term negative impact on the enjoyment of human rights may be considered arbitrary.²⁵ Furthermore, planned relocations that could be avoided by applying safer alternatives, such as infrastructure improvements, may also be considered arbitrary displacement.²⁶

B. Global scope of planned relocations

22. Global or national figures of the number of people relocated are not currently available.²⁷ A global mapping exercise of planned relocations in the context of natural hazards, disasters and climate change published in 2021–2022 identified 408 cases in 78 countries: approximately 40 per cent in Asia, 38 per cent in the Americas, 10 per cent in Africa and 9 per cent in the Pacific. Few cases were documented in Europe or the Middle East. According to the study, relative to population size, the Pacific had the highest number of cases. The phenomenon is likely larger, as the study only captured cases documented in English, Spanish, French and Portuguese in academic and grey literature. The regional distribution of the documentation of planned relocations aligned with disaster displacement estimates and with hazard hotspots, highlighting how planned relocations emerged as both a prevention and solutions strategy in the context of disasters and the adverse effects of climate change.²⁸

23. An in-depth analysis of 34 well-documented planned relocation cases from the global mapping exercise revealed several trends. Most planned relocation cases involved fewer than 250 households; many were carried out on a much smaller scale. Most processes included a move from one shared origin to one shared destination site. The sites of both origin and destination were predominantly rural (though in Asia a larger proportion of destination areas were urban). In most cases the destination site was less than 20 km from the site of origin, and in just under half of the cases the distance was less than 2 km. Community actors and

Displaced Persons (2010), p. 503; and submission by David James Cantor.

²³ Guiding Principles on Internal Displacement, introduction, para. 2.

²⁴ Elizabeth Ferris, *Climate Justice and Environmentally Displaced Persons* (forthcoming); and submission by David James Cantor.

²⁵ See A/76/169.

²⁶ See Guiding Principles on Internal Displacement, principle 6 (2) (d).

²⁷ An exception is Fiji, which maintains data on the number of houses relocated.

²⁸ Erica Bower and Sanjula Weerasinghe, *Leaving Place, Restoring Home: Enhancing the Evidence Base on Planned Relocation Cases in the Context of Hazards, Disasters, and Climate Change* (Platform on Disaster Displacement, 2021).

government bodies each initiated half of the cases, and government, non-governmental and community actors supported the implementation of the planned relocation process. Lastly, nearly half of the 34 cases involved the relocation of Indigenous Peoples.²⁹ To confirm these as global trends, a larger sample size would be required.

C. Applicable legal and policy frameworks

1. International instruments

24. The Guiding Principles on Internal Displacement apply to persons displaced within national borders in the context of disasters, including those relating to climate change, and are the main international framework for safeguarding the human rights of internally displaced persons. Principles 7 (3), 15, 18, 20 and 28 stipulate the primary responsibility of States to respect, protect and fulfil the human rights of internally displaced persons, provide assistance and establish the conditions for durable solutions, which are further elaborated in the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons. The Guiding Principles state that arbitrary displacement is prohibited and authorities are required to explore all feasible alternatives to displacement. Principle 15 clarifies that internally displaced persons have the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.³⁰

25. The United Nations Framework Convention on Climate Change, the Sendai Framework for Disaster Risk Reduction 2015–2030, the 2012 Nansen Initiative Protection Agenda, the 2010 Cancun Climate Change Adaptation Framework Decision, the Global Compact for Migration and the Peninsula Principles on Climate Displacement within States offer conceptual, policy and legal guidance on planned relocation in the context of disasters and the adverse effects of climate change. The 2007 basic principles and guidelines on development-based evictions and displacement developed by the Special Rapporteur on the right to housing³¹ emphasize the importance of ensuring that relocations are conducted in a manner consistent with human rights standards.

26. Indigenous Peoples have unique rights with respect to planned relocation under international law. According to article 10 of the United Nations Declaration on the Rights of Indigenous Peoples, Indigenous Peoples should not be forcibly removed from their lands or territories, and no relocation should take place without the free, prior and informed consent of the Indigenous Peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return. Article 16 of the Indigenous and Tribal People's Convention, 1989 (No. 169) of the International Labour Organization states that, as a rule, Indigenous Peoples are not to be removed from the lands they occupy; however,

where the relocation of [Indigenous] Peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.³²

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas specifies the obligation of States to prevent their displacement and ensure their protection from unlawful and arbitrary displacement from their land and place of residence.

27. The Guidance for Protecting People from Disasters and Environmental Change through Planned Relocation developed by Brookings, Georgetown University and UNHCR has the aim of assisting States, communities and other actors in protecting people through

²⁹ Ibid. See also submissions by Human Rights Watch, Alaska Institute for Justice and Miriam Cullen; and joint submissions by Red Sudamericana para las Migraciones Ambientales and CICrA Justicia Ambiental and Merewalesi Yee, Annah Piggott-McKellar and Celia McMichael.

³⁰ See also Daniel Petz, *Operational Guidance and Frameworks Relevant to Planned Relocations Caused by Natural Hazards, Environmental Change, and Climate Change* (Brookings, 2015).

³¹ See A/HRC/4/18, annex I.

³² These rights apply to all cases of planned relocation, including those outside of natural hazard contexts.

planned relocation from the after-effects of disasters and environmental change, including the effects of climate change. The Guidance includes key principles, legal, policy and institutional framework considerations and parameters spanning from assessing the need for relocation, planning and decision-making to long-term implementation, with a focus on cross-cutting elements, such as community consultations. The Guidance and its toolbox, published by UNHCR, the International Organization for Migration (IOM) and Georgetown University in 2017,³³ emphasize the importance of consideration of the needs of vulnerable groups, maintenance of livelihoods and of social, cultural and economic networks, land-related complexities, sustainable funding, risk assessment and post-relocation monitoring. The toolbox also addresses governance frameworks and rights considerations for those who choose not to relocate.

28. According to principle 6 of the Sydney Declaration of Principles on the Protection of Persons Displaced in the Context of Sea Level Rise, pre-relocation living standards of relocated individuals “must be restored post-relocation”. With regard to housing, land and property valuation, the principles on housing and property restitution for refugees and displaced persons³⁴ focus on the provision of compensation to restore dispossessed persons to their original pre-loss position. Compensation valuation must comply with international law and human rights standards, considering factors beyond physical structures. The impoverishment risks and reconstruction model³⁵ quantifies the broader consequences of relocation, such as landlessness, joblessness, homelessness, marginalization, increased morbidity and mortality, food insecurity, loss of access to common property and social disarticulation. Similarly, eviction impact assessment methodologies can assist in quantifying losses beyond physical structures.³⁶ The above equally applies to people displaced by slow-onset disasters, including sea level rise.³⁷

2. Regional instruments

29. The first of its kind, the Pacific Regional Framework on Climate Mobility recognized the right to stay in place as a fundamental priority and noted that planned relocation should only be undertaken as a measure of last resort, to be carried out in a safe, dignified and timely manner.³⁸ The International Federation of Red Cross and Red Crescent Societies offers step-by-step relocation guidance for National Red Cross and Red Crescent societies in the Asia-Pacific.³⁹

30. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa confirms that internal displacement includes involuntary or forced evacuation and relocation. Article 4 of the Convention instructs States to devise early warning systems in areas of potential displacement and to establish and implement disaster risk reduction strategies.⁴⁰ Article 9 calls upon States to protect “individual, collective and cultural property left behind by displaced persons”. Lastly, the Convention emphasizes the duty of States to make reparations in the context of disasters where Governments fail to protect and assist internally displaced persons.

3. National instruments

31. As at 2024, six countries had developed a national instrument on planned relocation in the context of disasters and the adverse effects of climate change: Fiji, Jamaica, Papua

³³ A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change.

³⁴ E/CN.4/Sub.2/2005/17, annex.

³⁵ See Michael Cernea, *Impoverishment Risks and Reconstruction Model for Resettling Displaced Populations*, Brookings Institute (2002).

³⁶ OHCHR et al, *Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles in the Middle East and North Africa* (forthcoming). See www.ohchr.org/en/climate-change/impact-loss-and-damage-adverse-effects-climate-change-human-rights.

³⁷ See [International Tribunal for the Law of the Sea, Advisory Opinion of 21 May 2024 on Climate Change and International Law](https://www.ictj.org/en/tribunal/2024/05/21/20240521-climate-change-international-law).

³⁸ See <https://forumsec.org/publications/pacific-regional-framework-climate-mobility>.

³⁹ See <https://disasterlaw.ifrc.org/media/3797>.

⁴⁰ See also www.un.org/en/climatechange/early-warnings-for-all.

New Guinea, Peru, the Solomon Islands and Uruguay. In Fiji, the Planned Relocation Guidelines are rooted in international environmental, human rights and migration law alongside national Fijian legislation and traditional customary law (*kastom*) that governs local communities.⁴¹ In Vanuatu, the national policy on climate change and disaster-induced displacement lays down guidelines for planned relocation in the context of disasters and/or the adverse effects of climate change. It is important to note that, even with adopted planned relocation frameworks, consistent implementation, institutional capacity and adequate funding are not always assured.

32. Planned relocation is also incorporated into some legal and policy frameworks relating to disasters. In Mozambique, the National Disaster Management Law includes relocation as a preventive measure and clarifies institutional responsibilities.⁴² In Malawi, the Disaster Management Act (2023) has established a procedure for classifying certain disaster-prone areas as “high-risk”, and includes provisions on the relocation of persons living in those areas. In Guatemala, the action plan for 2022–2024 to prevent, minimize and address displacement related to the adverse effects of climate change calls for the development of principles for planned relocations with respect for human rights, gender perspectives, and territorial and cultural identities.⁴³ National disaster risk reduction policies and strategies in Bangladesh, Côte d’Ivoire, Egypt, Grenada, India, Japan, Malawi, Myanmar, Namibia, Pakistan, the Philippines, the territory of American Samoa, Vanuatu and Viet Nam refer to planned relocation.

33. Some States regulate planned relocation within climate change adaptation plans (Cuba), land planning laws (Dominican Republic) or access to housing laws (Argentina). Others, such as Ghana and Senegal, have expanded existing land use and disaster risk management policies to develop ad hoc frameworks for specific relocation initiatives.⁴⁴ Planned relocation may also be regulated in development, resettlement, internal displacement or zoning and planning instruments.

D. Funding for planned relocations

34. Funding arrangements for planned relocations vary. Multiple funding sources are often combined, including from national and local governments, multilateral banks, non-governmental organizations, private sector, churches, United Nations agencies, the Green Climate Fund and Adaptation Fund, or funds can be crowd-sourced by members of the relocating community themselves. Fiji established a trust fund for planned relocation in 2019, financed partially through revenue from the national Environment and Climate Adaptation Levy and international contributions.⁴⁵ Various funders often cover different stages of the process, such as risk assessment and planning, land acquisition or facility construction. Commonly, existing funds for physical relocation are insufficient to cover long-term costs, particularly the restoration of livelihoods. In some cases, planned relocation is seen as a last resort, although funding for it is never secured.⁴⁶

35. The Special Rapporteur recalls decision 1/CP.28, taken at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, on the operationalization of new funding arrangements, including a fund, for responding to loss and damage. She believes that the fund should also be used to finance planned relocations, when relocation is required as a last resort measure and no alternatives are feasible or available. As part of a global effort, developed States Parties should finance the fund and lead in mobilizing climate finance while supporting the needs, priorities and

⁴¹ Fiji, Ministry of Economy, “Planned Relocation Guidelines: a framework to undertake climate change-related relocation” (2018).

⁴² See Erica Bower and Sanjula Weerasinghe, *Leaving Place, Restoring Home: Enhancing the Evidence Base on Planned Relocation Cases in the Context of Hazards, Disasters, and Climate Change* (2021).

⁴³ See <https://pamad.disasterdisplacement.org/wp-content/uploads/sites/2/2023/04/Guatemala-NIP.pdf>.

⁴⁴ [pub2021_183_r_2022_final-version-march-2022.pdf](https://pamad.disasterdisplacement.org/wp-content/uploads/sites/2/2023/04/Guatemala-NIP.pdf) (iom.int).

⁴⁵ See <https://researchinginternaldisplacement.org/short-pieces/planned-relocations-what-we-know-dont-know-and-need-to-learn/>.

⁴⁶ UNHCR, Georgetown University and IOM, *A Toolbox: Planning Relocations*.

strategies of developing States Parties. Ultimately, however, developed States Parties should increase efforts to mitigate greenhouse gas emissions to prevent unnecessary relocation. This is especially pertinent for States with limited land area, such as the Marshall Islands, which are reliant on global efforts to combat climate change and donor support for climate adaptation.⁴⁷

E. Impact of planned relocations on human rights

36. In the section below, the Special Rapporteur draws upon examples of planned relocations received in submissions that demonstrated that, while each case is unique, all too often relocated individuals and communities face a negative impact on the enjoyment of their human rights, and years after relocation many have yet to fully recover from their losses.⁴⁸ She highlights the impact on rights brought to her attention in the submissions received and consultations, without aiming to cover all affected rights exhaustively.

37. When faced with the prospect of relocation, communities and their members respond differently. Some propose and lead the relocation of their community, such as the indigenous Guna peoples in Gardi Sugdub, Panama;⁴⁹ others prefer to stay in place in the face of repeated disasters and despite the potential safety benefits of relocation – also referred to as voluntary immobility.⁵⁰ For example, some communities in Tonga, Fiji and Ghana prefer to remain because of their strong attachment to their land,⁵¹ while communities in Bangladesh, Colombia, India, the Philippines, Viet Nam and the Democratic Republic of the Congo are most concerned about losing livelihoods.⁵² Others have changed their mind over time. Initially reluctant to leave, the El Bosque community in Tabasco, Mexico requested support for relocation after unsuccessful attempts to address coastal erosion and adapt *in situ* and being displaced by intense storms.⁵³

38. Relocations are often delayed and once started can take years to complete. Among the cases considered for the present report, some delays have reportedly been significant owing to the time required to conduct technical assessments, to identify, negotiate, acquire and transfer suitable land, to secure adequate financial resources and to construct housing and infrastructure.⁵⁴ Other reasons for delays reportedly include the lack of a legal or policy framework to guide planned relocations, the lack of inter-institutional coordination, institutional and governance gaps, limited technical capacity to conduct risk assessments and lack of collaboration between national and local governments – some of which have prevented some planned relocations from proceeding at all.⁵⁵ While Indigenous Newtok and Nakapiak villages in Alaska each received \$25 million for their relocation as part of the tribal relocation assistance programme established in the United States of America in 2021, it was reportedly only one quarter of the amount required for full relocation of their communities.⁵⁶

⁴⁷ Submission by the Marshall Islands.

⁴⁸ Beatriz Felipe Pérez and Alexandra Tomaselli, “Indigenous Peoples and climate-induced relocation in Latin America and the Caribbean: managed retreat as a tool or a threat?”, *Journal of Environmental Studies and Sciences*, vol. 11, No. 3 (2021).

⁴⁹ Submission by Human Rights Watch.

⁵⁰ Carol Farbotko and others, “Relocation planning must address voluntary immobility”, *Nature Climate Change*, vol. 10, No. 8 (2020), pp. 702–704.

⁵¹ Submission by the Internal Displacement Monitoring Centre; see also Mumuni Abu and others, “Social consequences of planned relocation in response to sea level rise: impacts on anxiety, well-being, and perceived safety”, *Scientific Reports*, vol. 14 (2024).

⁵² Submissions by the International Centre for Climate Change and Development and the Internal Displacement Monitoring Centre; see also IOM, *Planned Relocation in the Context of Environmental Change in Hoa Binh Province, Northern Viet Nam* (2017).

⁵³ Submissions by Juan Manuel Orozco Moreno and Claudia Fry and Mexico.

⁵⁴ Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁵⁵ Submissions by Moreno and Fry and the International Centre for Climate Change and Development.

⁵⁶ Submission by the Alaska Institute for Justice; see also Naho Kimura, Rose Lagrotte and Emily McFadyen, “Understanding the needs of indigenous communities and assessing risks when developing planned relocation in the Caribbean”, Policy Brief Series (IOM, 2023).

39. The Special Rapporteur was informed during an online consultation that some communities had been forced to move before relocation began as they realized their territory was no longer safe. In Latin America, some Indigenous Peoples have struggled to secure authorization and financial assistance for relocation and eventually moved by their own means. Those evacuated reportedly lived in inadequate temporary housing for extended periods, lacking proper infrastructure and services while awaiting relocation.⁵⁷ Still others who remain in their original places of residence face increasingly inadequate living conditions and worsening environmental degradation; for example, the El Bosque community in the Gulf of Mexico displaced following intense storms owing also to coastal erosion caused by tidal flooding and rapid sea level rise has been awaiting relocation since 2021. According to one submission received, affected individuals have irregular access to electricity and medication, are unable to preserve food, have salinized well water owing to rising sea levels, and unrepaired schools, hindering children's access to education and adversely affecting their rights to housing, health, water, sanitation and food. Some community members have built makeshift shelters independently, depleting savings or going into debt.⁵⁸ Delays in relocation combined with displacement have caused psychological distress among some community members.⁵⁹

1. Right to timely information, consultation and participation

40. Communities are not always consulted about relocation. Internally displaced communities in the Philippines who were to be relocated following Typhoon Rai in 2021 and Typhoon Nalgae in 2022 reported a lack of consultation on relocation, limited information justifying the relocation and insufficient knowledge of relocation plans. Inadequate community involvement in planning relocation processes in Sri Lanka have allegedly led to unrealistic expectations for communities displaced by a landslide and awaiting relocation in temporary shelters.⁶⁰ While women in Narikoso village, Fiji were reportedly initially not consulted on housing design for the relocation process, in the relocation of Cogeia village, specific consideration was later given to diverse community needs, ensuring privacy, safety and culturally appropriate rural kitchens and chimneys for women.⁶¹

41. Consultation with and the participation of communities is also important in community relocation processes. The Indigenous Caicara Peoples of Enseada da Baleia in Sao Paulo state, Brazil identified a relocation area after intense wave events and coastal erosion rendered their land inhabitable. Reportedly, the Government initially proposed relocating them to an area less suitable for their artisan fishing livelihoods; with the assistance of the Public Defender's Office, however, the authorities eventually allowed the community to relocate to the area it had selected. The community formed an association to mobilize members and oversee the relocation process. It established a protocol with consultation requirements for proposals affecting its members, to which the Government agreed.⁶² In a similar case, the Guna Indigenous People in Panama, facing threats from sea level rise and overcrowding on Gardi Sugdub Island, formed an internal neighbourhood commission to plan and organize their relocation.⁶³ While local decisions included community consultation and participation, consultations with authorities were seen as primarily "information sharing" rather than genuinely inclusive.⁶⁴

2. Right to life, liberty and security

42. The selection of the relocation site is key to safety and security in the relocation area. Families displaced by Typhoon Haiyan in the Philippines in 2013 were allegedly relocated

⁵⁷ Government of Fiji, 10 April 2024, email correspondence.

⁵⁸ Submission by Moreno and Fry.

⁵⁹ Ibid.

⁶⁰ Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁶¹ Government of Fiji, 10 April 2024, email correspondence. See also submission by Yee, Piggott-McKellar and McMichael.

⁶² See www.internal-displacement.org/good-practice/?id=21.

⁶³ Submission by Human Rights Watch.

⁶⁴ Ibid.

away from coastline areas designated as “no-build zones”.⁶⁵ Seven years later, in 2020, relocated households reportedly felt safer in their current housing due to reduced flooding and water-related risks compared to their former settlements.⁶⁶ Similarly, in Belize, relocated persons reported feeling safer in their new locations, noting that they no longer experienced regular losses of crops and animals as in their previous location.

43. Some relocated persons encounter tensions, violence and conflict. Displaced families of the El Bosque community in Mexico were reportedly living in makeshift shelters on a football field while awaiting relocation. Living near new neighbours heightened tensions and conflicts due to community members’ stress.⁶⁷ Allegations of gender-based violence were reported by relocated persons in Sierra Leone, the Solomon Islands and Papua New Guinea, prompting return to unsafe areas in some instances.⁶⁸ Tensions between relocated persons and surrounding communities were reported in Panama,⁶⁹ the Philippines,⁷⁰ Bangladesh,⁷¹ and Fiji,⁷² showing how population pressure strains resources worsened by the adverse effects of climate change and environmental degradation.⁷³

3. Right to land

44. Legal uncertainties over land tenure in relocation areas can jeopardize the security and stability of relocated communities. In the Philippines, the Government resettled more than 20,000 informal settlers living in at-risk coastal communities to elevated and mostly peri-urban areas of affected towns as part of its long-term disaster risk reduction and climate change adaptation strategies. Seven years after the 2013 typhoon, they were reportedly relocated to Tacloban, but felt insecure as their housing award certificates lacked ownership specifications.⁷⁴ Online consultations revealed that urban settings posed a set of unique challenges for planned relocations not applicable in rural settings, such as limited availability of housing and land and the risk of evictions due to urban development and gentrification.⁷⁵

45. Customary land arrangements in relocation areas can also leave relocated persons with insecure land tenure. In Papua New Guinea, 97 per cent of the land is reportedly owned by customary landowning groups. In the 1970s, the Government acquired once customary land that was leased to the Catholic Church in 1904 for the relocation of villages to Nuigo settlement owing to recurring flooding of the Sepik River. Reportedly, some 50 years later, the customary landowners continue to monitor and restrict activities for land use, hindering the ability of relocated communities and their descendants to expand their homes and engage in income-generating activities, such as poultry farming or establishing trade stores.⁷⁶

4. Right to adequate housing

46. Housing outcomes for relocated communities have been mixed. In Bangladesh and India, some people displaced in the context of environmental degradation have become homeowners upon relocation. A man who lost his dwelling and agricultural lands on Ghoramara Island, India due to coastal erosion stated that, before being relocated, “the road is where we used to live”.⁷⁷

⁶⁵ Minh Tran and others, “Durable solutions, human rights and the politics of mobility: insights from a study of internally displaced people in post-typhoon Haiyan Tacloban City, Philippines”, *Journal of Social Research*, vol. 46, No. 1 (2023).

⁶⁶ Submission by the Commission on Human Rights of the Philippines.

⁶⁷ Submission by Moreno and Fry.

⁶⁸ Online consultation, March 2024.

⁶⁹ Kimura, Lagrotte and McFadyen, “Understanding the needs of indigenous communities”.

⁷⁰ Submission by Ginbert Permejo Cuaton and Yvonne Su.

⁷¹ Submission by ActionAid Bangladesh.

⁷² Submission by the Unitarian Universalist Service Committee.

⁷³ A/76/169, para. 56.

⁷⁴ Submission by the Commission on Human Rights of the Philippines.

⁷⁵ Submission by Raquel Lejtregger.

⁷⁶ Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁷⁷ Submission by Oana Stefancu and Neil Adger.

47. In other cases, housing has been inadequate. In 2014, the village of Vunidogoloa, Fiji was relocated 2 km inland in response to tidal flooding, saltwater intrusion and coastal erosion. Homes built at the new site reportedly have improved facilities, particularly solar panels, and a bathroom. Some relocated persons felt, however, that the houses were too small and limited privacy. They regretted that kitchens had not been provided, owing to a lack of consultation with women in the relocation process, and that proper footpaths and drainage were lacking. Households constructed their own kitchens from salvaged materials.⁷⁸

48. In some cases, housing arrangements do not respect the culture of relocated communities. In Papua New Guinea, the Manam island community that relocated following a volcanic eruption in 2005 faced overcrowding in the relocation settlements, contradicting the traditional village structure where leaders' houses are spacious and separate from the rest of the community.⁷⁹ Similarly, in Algeria, the considerable damage caused by successive extreme weather events in Timimoun, Bechar and Aoulef and frequent flooding led the local authorities to launch a planned relocation programme. Housing was reportedly unsuitable for family size and incompatible with traditional ways of life and architecture. In Gardi Sugdub, Panama, homes in the relocation site were reportedly too small to accommodate multi-generational Guna families, and lacked supportive beams to which hammocks could be attached.⁸⁰

5. Right to water and sanitation

49. Access to water and sanitation services is inadequate in some relocation areas, often for years. In the Philippines, people displaced in 2013 by Typhoon Haiyan and relocated to Tacloban still did not have adequate access to safe and potable water in permanent shelter sites seven years after being displaced.⁸¹ Similarly, four years after Tropical Cyclone Evan in 2012, residents relocated from Demimanu, Fiji expressed concerns about drainage issues in the new village and inadequate sewage septic tanks. Two decades after the Manam Island (Papua New Guinea) relocation, communities still struggled to have access to services, including sanitation.⁸² The San José Montenegro and Rincón Caballar communities in Chiapas, Mexico still lacked water 10 years after relocating following Hurricane Stan in 2005.⁸³

50. In Sri Lanka, people who resettled to the China Friendship Village and Panapurewatta after a landslide in 2016 still faced limited access to water and essential services owing to their cultural isolation.⁸⁴ Rising sea levels have led to the salinization of wells in El Bosque, jeopardizing access to water as the community awaits relocation.⁸⁵ Flooding and coastal erosion endangers fresh water sources, sewage lagoons and landfills in several native villages in Alaska that are seeking relocation in anticipation of risks associated with melting permafrost and rising sea levels.⁸⁶ Access to water and sanitation improved, however, for the Vunidogoloa community in Fiji following relocation.⁸⁷

6. Right to health

51. The impact of relocation on the right to health varies. Relocated residents in Tacloban (Philippines), Lake Enriquillo (Dominican Republic) and Vunidogoloa (Fiji) saw their access to health services improve after relocation.⁸⁸ In Vunidogoloa, the village was reportedly moved near a main road, giving access to nearby hospitals. Although Vunidogoloa residents reported fewer water-borne diseases after relocation, they experienced deteriorating overall

⁷⁸ Submission by Yee, Piggott-McKellar and McMichael.

⁷⁹ Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁸⁰ Submission by Human Rights Watch.

⁸¹ Submission by the Commission on Human Rights of the Philippines.

⁸² Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁸³ Pérez and Tomaselli, "Indigenous Peoples and climate-induced relocation".

⁸⁴ Submission by the Asia Pacific Academic Network on Disaster Displacement.

⁸⁵ Submission by Moreno and Fry.

⁸⁶ Submission by the Alaska Institute for Justice.

⁸⁷ Submission by Yee, Piggott-McKellar and McMichael. See also https://kmhub.iom.int/sites/default/files/publicaciones/oim-relocation_report_6.pdf.

⁸⁸ Submission by the Commission on Human Rights of the Philippines.

health owing to dietary changes: fewer marine resources, more packaged food and greater consumption of alcohol.⁸⁹ Interruptions in the electricity supply in El Bosque, Mexico reportedly impeded access to essential medication, such as insulin for diabetics, exacerbating already existing health conditions.⁹⁰ Inadequate access to water and sanitation in relocated villages in Chiapas, Mexico reportedly contributed to several cases of typhus fever and infections, exacerbated by the absence of health centres.⁹¹

52. Planned relocations can have a negative impact on psychosocial well-being. Relocation from Keta, Ghana in 2003 due to sea level rise led to a drop in well-being and higher anxiety compared to those not yet relocated in nearby Totope. This was attributed to the disruption to livelihoods and community ties, and recurring flooding in the relocation area.⁹² Delayed relocation in El Bosque, Mexico also caused psychological distress and losses post-disaster displacement;⁹³ planned relocation in Sagar Island, India, however, improved well-being for 70 per cent of respondents, who reported increased happiness and satisfaction with environment, housing, economic and food security.⁹⁴

7. Right to education

53. Relocated residents in Tacloban (Philippines) and Boca de Cachón in Lake Enriquillo (Dominican Republic) enjoyed improved access to education compared to their previous housing sites.⁹⁵ In Gardi Sugdub, Panama, youth pursue higher education to support community relocation efforts, and a dedicated school classroom for Guna traditional knowledge and language was included at the new site.⁹⁶ In San José Montenegro and Rincón Caballar in Chiapas, Mexico, however, limited educational opportunities reportedly force children to relocate to other municipalities to continue their education.

8. Access to livelihoods

54. In the context of climate change and environmental degradation, communities are often moved from areas where they practice land- or water-based livelihoods to inland areas where such activities are difficult or impossible.⁹⁷ In Cabo Verde, Cameroon and Ghana, communities have reportedly been unable to recreate their traditional livelihoods, which depend on land and natural resources, while alternative livelihoods were scarce.⁹⁸ Such is not always the case, however; communities relocated within the same geographical area have sometimes been able to maintain their livelihoods, as in Jordan, Monkey River (Belize) and the Mekong Delta (Viet Nam).⁹⁹

55. People do not always have better access to livelihoods when relocated to cities. Persons relocated to urban Tacloban (Philippines) following Typhoon Haiyan reported that their access to livelihoods and jobs was more difficult than at their previous residences, where they earned income from sea- or coastal-based activities.¹⁰⁰ Others in Ouagadougou and Niamey reportedly struggled to gain access to livelihoods owing to the distance between the relocation site and the city centre; many relocated individuals ended up returning to their original land.¹⁰¹

⁸⁹ Submission by Yee, Piggott-McKellar and McMichael.

⁹⁰ Submission by Moreno and Fry.

⁹¹ Pérez and Tomaselli, "Indigenous Peoples and climate-induced relocation".

⁹² Abu and others, "Social consequences of planned relocation in response to sea level rise".

⁹³ Submission byf Moreno and Fry.

⁹⁴ Submission by Stefancu and Adger.

⁹⁵ Submission by the Commission on Human Rights of the Philippines. See also https://kmhub.iom.int/sites/default/files/publicaciones/oim-relocation_report_6.pdf.

⁹⁶ Submission by Human Rights Watch.

⁹⁷ Submission by Stefancu and Adger.

⁹⁸ IOM, *Leaving Place, Restoring Home II: A Review of French, Spanish and Portuguese Literature on Planned Relocation in the Context of Hazards, Disasters, and Climate Change* (Geneva, 2021).

⁹⁹ See www.knomad.org/sites/default/files/2017-05/GMDAC%20S%20Melde%20PPT%20Planned%20relocation%2011%20April%202017.pdf.

¹⁰⁰ Submission by the Commission on Human Rights of the Philippines.

¹⁰¹ IOM, *Leaving Place, Restoring Home II*.

56. As livelihood restoration efforts falter, some relocated persons develop strategies that straddle the relocation area and their previous village. In Papua New Guinea and Vunidogoloa (Fiji), limited access to livelihoods has reportedly prompted some to return to their previous fishing areas to earn an income.¹⁰² Relocated to higher ground following severe flooding, the Boca de Cachon community in the Dominican Republic used their previous land to graze livestock, as their new land plots were too small.¹⁰³ Some members of the Guna Indigenous People in Panama reportedly split up between two homes, with young people moving to the mainland and the older generation remaining on the island, while others commuted back and forth.¹⁰⁴

9. Indigenous and cultural rights

57. Planned relocations can have a particularly negative impact on the rights of Indigenous Peoples owing to their special attachment to their land for livelihoods, health, culture, well-being and identity, posing a threat to their existence.¹⁰⁵ According to reports, in Vunidogoloa Village, Vanua Levu in Fiji, the loss of traditional lands and disruption to cultural practices and social cohesion are profound.¹⁰⁶ Some Indigenous Peoples have already endured displacement, which influences the way they perceive relocations. Online consultations revealed that analysis and consideration of previous experiences of displacement are critical to ensuring respect for Indigenous rights in a planned relocation process.

58. Cultural loss can include loss of sacred sites, cultural values, burial sites, health and social well-being, or of other intrinsic values that communities experience when separated from their ancestral lands and ways of life.¹⁰⁷ Persons relocated from Sagar Island, India and the Manta community in Bangladesh reported that their culture had been negatively affected following relocation because of the severing of important social ties.¹⁰⁸ In Tacloban, Philippines, the random allocation of housing units reportedly resulted in a new distribution of neighbours and family members across different relocation sites. Social support networks for food, financial aid or unpaid care services were reportedly no longer available.¹⁰⁹ The loss of social connections and community dynamics led to diminished well-being.

IV. Human rights-based approach to planned relocations

A. Introduction

59. Based on the above analysis and drawing upon examples of planned relocations received in submissions and during consultations, the Special Rapporteur outlines below the key elements of a human rights-based approach to planned relocation, which is often regrettably lacking. It is hoped that the analysis in the section below will serve both as a specific tool and an additional resource, offering clarity on human rights-based planned relocations in the context of disasters and the adverse effects of climate change.

¹⁰² Submissions by the Asia Pacific Academic Network on Disaster Displacement and Yee, Piggott-McKellar and McMichael.

¹⁰³ See www.knomad.org/sites/default/files/2017-05/GMDAC%20S%20Melde%20PPT%20Planned%20relocation%2011%20April%202017.pdf.

¹⁰⁴ Submission of Human Rights Watch.

¹⁰⁵ Erica R. Bower and others, "Enabling pathways for sustainable livelihoods in planned relocation", *Nature Climate Change*, vol. 13, No. 9 (2023).

¹⁰⁶ Government of Fiji, "The development of Fiji's national planned relocation arrangements and associated financing mechanism", 25 April 2023.

¹⁰⁷ Submission by the Legal Justice Coalition, Rising Voices and the Unitarian Universalist Service Committee.

¹⁰⁸ Submissions by Stefancu and Adger and the International Centre for Climate Change and Development.

¹⁰⁹ Submission by Cuaton and Su.

B. Key principles

60. States have the obligation to prevent and address environmental risks, which may require planned relocations to protect persons or groups of persons while safeguarding their right to life and respecting and protecting their rights and dignity. States must have compelling reasons, strong evidence and a sound legal basis to initiate a planned relocation. Such relocations should only be a measure of last resort, after all other risk reduction and adaptation measures have been considered and reasonably exhausted.¹¹⁰ Those affected by disasters and the adverse effects of climate change should have the right to request or contest relocation in a court of law.¹¹¹

61. States should establish and implement adequate normative and institutional frameworks; conduct comprehensive risk and vulnerability assessment and planning; hold meaningful consultations; take measures to protect the rights and dignity of affected individuals and groups; ensure access to justice and remedies; and invest in capacity-building on a human rights-based approach to planned relocations for both State authorities and affected persons and communities.

62. The rights to self-determination, cultural identity preservation and control over land and resources must be respected. Indigenous Peoples, relocated persons and other affected persons should be informed, consulted and involved in decision-making on planned relocations. The agency, resilience and empowerment of relocated persons should be acknowledged, promoted and strengthened, and the specific needs, circumstances and vulnerabilities of relocated and affected persons and communities should be considered and addressed throughout planned relocation.¹¹²

63. Planned relocation should provide conditions that allow relocated persons to improve or at least restore their living standards. It should also allow local populations to maintain their existing living standards, or reach the same level as relocated persons, whichever is higher. Relocated persons should have the same rights and freedoms as other citizens under international and domestic law. They must not face discrimination based on their participation in planned relocation, and retain the right to freedom of movement and the choice of their place of residence. Planned relocation should be conducted in a way that respects the principle of family unity, and maintains households, community, and social cohesion.¹¹³

C. Normative and institutional frameworks

64. States have a primary responsibility to ensure that relocations are always carried out in accordance with applicable international standards, including those set out in the Guiding Principles on Internal Displacement, are in line with key protection standards and principles, and are safe, voluntary and dignified. States should adopt a comprehensive legal-normative, policy and institutional framework governing planned relocations in accordance with international and regional human rights standards. The legal and policy framework should, *inter alia*, provide a legal basis in national law, and articulate a national policy; establish an institutional framework for undertaking planned relocation; and identify the responsibilities of designated State authorities and provide accountability mechanisms. Such a framework should establish safeguards against arbitrary displacement or eviction, and provide culturally appropriate conflict resolution mechanisms, as well as access to grievance and redress mechanisms throughout a planned relocation. It should define and explain the criteria for making decisions throughout a planned relocation, including the foundational decision to initiate one.¹¹⁴

¹¹⁰ UNHCR, *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation*, October 2015, p. 11.

¹¹¹ *Ibid.*

¹¹² *Ibid.*, p. 12.

¹¹³ *Ibid.*, pp. 12 and 13.

¹¹⁴ *Ibid.*, p. 15.

65. Legal-normative, policy and institutional frameworks should include detailed advanced planning for planned relocations that involves a whole-of-government approach, whereby all levels of government play a role and assume their responsibilities, besides enabling early engagement between relocating actors and local communities, and communication and coordination mechanisms between State authorities and any traditional governance structures and any other actors involved. Planned relocation frameworks should include responsibilities for institutions that can ensure that communities have reliable access to adequate housing, water, sanitation, livelihood opportunities, education, health services, infrastructure, transport and communications, and safeguards for traditional knowledge and culture, including by facilitating visits to ancestral sites and graves. Provisions should be made for culturally appropriate mental health and psychosocial support services for both relocating and local communities.

66. Law and policy reforms should review land tenure laws to address barriers for communities relocating across traditional boundaries. Ensuring secure tenure and sustainable resources can mitigate insecurity and prevent future land disputes.

67. The institutional framework should establish timely, sufficient and sustainable funding mechanisms,¹¹⁵ such as trust funds and by channelling funds through social protection systems, to finance relocations and provide fair compensation for loss of land and other assets. Knowledge management systems should gather data and lessons from past relocations to inform policy.

68. Standard operating procedures¹¹⁶ should govern planned relocations and provide for a consultative, evidence-based, and demand driven process for moving communities, settlements, and groups in vulnerable situations in a safe, orderly, and equitable way.¹¹⁷ They should designate institutional responsibilities and procedures, offering comprehensive guidance for all involved in planned relocation processes to ensure coordination both between national and local authorities, and humanitarian and development actors. This includes community consultations, decision-making procedures, conflict resolution, training and capacity-building efforts. Standard operating procedures should provide for redress mechanisms with clear steps to address grievances identified throughout the relocation process. There should be a community feedback mechanism, where the findings and recommendations of assessments are to be presented for further consultation and agreement.¹¹⁸ Standard operating procedures should also provide for a monitoring and assessment framework for planned relocation, adopting a people-centred approach that includes diverse perspectives and insights from community members, including those who remain,¹¹⁹ about their experiences. Monitoring and evaluation processes and reports must be accessible to the public.¹²⁰

D. Assessments and planning

69. Human rights, including the rights of everyone to life, security of person and health, and the duty to refrain from displacement that violates these rights (guiding principle 7), require States to conduct rigorous and comprehensive risk assessments not only in the place of origin to determine that there is no alternative to relocation, but also in the destination area¹²¹ to identify suitable and safe relocation sites. These assessments should consider biophysical hazard profiles and the different perceptions of risk and potential impact on human rights, including on social, cultural rights and the right to a clean and healthy environment. They should begin early, involve the community and their information and

¹¹⁵ Ibid.

¹¹⁶ See Protection Cluster Mozambique, “Standard operating procedures: go-and-see visits in the context of IDP relocations”, August 2022.

¹¹⁷ Submission by Yee, Piggott-McKellar and McMichael.

¹¹⁸ Fiji, Office of the Prime Minister, *Standard Operating Procedures for Planned Relocation in the Republic of Fiji* (2023), pp. 7–10.

¹¹⁹ Submission by Yee, Piggott-McKellar and McMichael.

¹²⁰ A/HRC/55/53, para. 70.

¹²¹ Submission by Moreno and Fry.

evidence sources, including where adaptation options and any potential trade-offs are discussed, seek to build trust, and integrate local knowledge and perspectives.¹²² Risk assessment processes should support the State's determination of planned relocation as a measure of last resort¹²³ and involve meaningful consultation with communities throughout all stages of the process.¹²⁴

70. The responsibility to consider all possible alternatives to prevent displacement is especially pertinent in non-emergency circumstances.¹²⁵ States must prioritize the right to remain and prevent displacement by mitigating environmental risks and reducing the exposure and vulnerability of populations in disaster-prone areas by adopting disaster risk reduction and climate adaptation measures. Due diligence should be exercised to ensure that disaster risk reduction and climate adaptation measures are based on data and evidence.¹²⁶ The legal and institutional framework should provide for the right to choose whether to relocate or remain in the current location; the choice made should be respected and facilitated by the Government through the provision for alternative forms of support, such as assistance in strengthening resilience and adaptation measures and access to livelihood opportunities.¹²⁷ The decision-making process in this context is critical and should involve both communities and authorities collectively in the relocation process. Those who wish to stay must be provided with adequate time and opportunity to propose alternative options by the relevant authorities.

71. People should be able to voluntarily relocate on any grounds, based on the human rights to freedom of movement and choice of residence.¹²⁸ Involuntary relocation is a restriction of the right to choose one's place of residence that must be provided for by law.¹²⁹ Relocation against the will of the affected community can be imposed only when necessary as an exceptional measure¹³⁰ and provided the reasons are set out in law. Sound risk and vulnerability assessments are essential for justification as an exceptional measure.

72. Representatives of affected communities and local governments should develop, in consultation with relevant State authorities, inclusive relocation plans that prioritize the centrality and protection of human rights and that are voluntary, informed and free from coercion. Such plans should specify each activity to be undertaken and where, the time frame for completion, the estimated cost, the actors responsible and the overall relocation schedule. The plan should also clarify monitoring, evaluation and reporting modalities.

E. Consent and meaningful participation

73. Community participation and consultation starts long before planned relocation becomes an option, for example with community participation in disaster risk reduction and risk assessments.¹³¹ States must obtain the consent of affected individuals and communities before undertaking any relocation efforts; principle 7 (3) of the Guiding Principles on Internal Displacement provides guarantees that must be complied with, including a formal decision

¹²² Ibid.

¹²³ Guidance for Protecting People from Disasters and Environmental Change through Planned Relocation, para. 10; and Nansen Initiative on Disaster-Induced Cross-Border Displacement, "Agenda for the protection of cross-border displaced persons in the context of disasters and climate change: volume I", December 2015, para. 94. See also A/HRC/52/28, paras. 24 and 64 (e) and the basic principles and guidelines on development-based evictions and displacement.

¹²⁴ Scott Leckie and Chris Huggins, eds., *Repairing Domestic Climate Displacement: The Peninsula Principles* (Routledge, 2016).

¹²⁵ Walter Kälin, *Internal Displacement and the Law* (Oxford University Press, 2023).

¹²⁶ A/HRC/47/37, para. 59. See OHCHR et al., *Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles in the Middle East and North Africa* (forthcoming).

¹²⁷ Submission by the International Centre for Climate Change and Development. See also the United Nations Declaration on the Rights of Indigenous Peoples, art. 21.

¹²⁸ Submission by David James Cantor.

¹²⁹ International Covenant on Civil and Political Rights, art. 12 (3).

¹³⁰ Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 16.

¹³¹ Leckie and Huggins, *Repairing Domestic Climate Displacement*.

by competent authorities, full information on procedures for relocation and the right to an effective remedy, among others.¹³²

74. As mentioned above, relocation should not take place without the free, prior and informed consent of the Indigenous Peoples¹³³ concerned, and after agreement on the basis of just and fair compensation and, where possible, with the option of return.¹³⁴ If consent cannot be obtained, relocation should take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.¹³⁵

75. Planned relocations should be undertaken in an inclusive and culturally appropriate manner, in full consultation with individuals, affected communities and other stakeholders. They should support relocated communities to maintain traditional governance, cultural and religious, community and other customary structures and practices, and entail measures to ensure that human rights are respected, protected and fulfilled before, during and after relocation.¹³⁶ Supporting community-led initiatives in this regard is essential for preserving cultural identity and traditional livelihoods before, during and after relocation and can facilitate the achievement of durable solutions following relocation.

F. Measures to protect the rights and dignity of affected persons and communities

76. States must take the measures necessary to protect the rights and dignity of affected individuals and communities before, during and after relocations. People should only be moved to serviced sites if they are accompanied by the means to rebuild their lives, including housing, water, sanitation, health care, education and access to livelihood opportunities. Protection risks in relocation sites should be assessed prior to any movement to ensure the availability of basic services and dignified conditions. States should also prevent and address any human rights violations, such as forced evictions, acts of discrimination or loss of cultural heritage or community identity, that may arise as a result of the planned relocation process.

77. Relocation measures must be taken without distinction of any kind. States have a duty to identify and address the specific needs and rights of groups in vulnerable situations who may be disproportionately affected by disasters and climate change. Addressing their specific rights, needs, circumstances, customs and economic vulnerabilities throughout planned relocation is crucial; this includes consideration of health and demographic characteristics, special attachment to land and protection issues, and ensuring their access to information, participation and preferred transportation means.¹³⁷

78. Local communities must also be consulted and be provided with treatment and services equitable to those of relocated persons. Consultation with local communities and utilizing community-based social cohesion approaches can facilitate community integration. During the allocation of relocation plots, steps should be taken to avoid creating tensions between local and displaced communities and to address housing, land and property issues.

79. The choice of persons to be relocated or who will remain in the area where they sought safety or protection (in the absence of the possibility to be able to return to the location of origin) must not be regarded as a renunciation of the right to return in safety and with dignity to the original place of residence, should that option later become feasible. Nor must it be considered a renunciation of the right to restoration of any housing, land or property assets

¹³² Submission by Miriam Cullen.

¹³³ Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 16; United Nations Declaration on the Rights of Indigenous Peoples, art. 10; and Committee on the Elimination of Racial Discrimination, general recommendation No. 23 (1997), paras. 4 (d) and 5.

¹³⁴ United Nations Declaration on the Rights of Indigenous Peoples, art. 10.

¹³⁵ Indigenous and Tribal Peoples Convention, 1989 (No. 169), art. 16.

¹³⁶ Submission by Andrew & Renata Kaldor Centre for International Refugee Law at the University of New South Wales.

¹³⁷ Submission by the International Centre for Climate Change and Development.

of which they were arbitrarily deprived during the displacement.¹³⁸ Furthermore, special consideration should be given to ensure that women's rights to own, manage, enjoy and dispose of property are inherent in the rights to be free from discrimination and to an adequate standard of living.

80. Accountability mechanisms must ensure access to effective remedies for those affected by planned relocations. This includes establishing independent grievance mechanisms for affected individuals and communities, strengthening access to justice and legal aid, including by easing access to courts and non-judicial remedies at the local, national and international levels.¹³⁹ While just and satisfactory compensation for losses is vital, emphasizing activities promoting social cohesion, inclusive decision-making, access to justice and cultural preservation is just as crucial for achieving enduring outcomes.

G. Governance

81. A whole-of-government approach should be applied to planned relocation. Such an approach includes clarification of institutional responsibilities, inter-institutional coordination and cooperation, identifying, negotiating, acquiring and transferring suitable land in a timely manner, securing adequate financial resources, constructing housing and infrastructure, installing services, monitoring and addressing institutional and governance gaps and strengthening technical capacity.

82. Furthermore, capacity-building efforts should focus on raising awareness, creating platforms for peer-to-peer exchanges with regional mechanisms, building skills for negotiation and advocacy, and fostering cooperation between State authorities and affected communities to ensure that planned relocations are carried out in a manner that respects, protects and realizes the human rights of all involved. Relocation processes should incorporate relevant lessons learned from previous experiences of internal displacement in the country.

V. Conclusions and recommendations

A. Conclusions

83. As areas of origin disappear, or become unsafe or uninhabitable, relocations may become increasingly inevitable. Planned relocations, whether anticipatory or responsive, should be a measure of last resort, taken only when sustaining settlements is impossible. In the context of disasters and the adverse effects of climate change, planned relocations can endanger a wide range of human rights and have a profound social and cultural impact. When all options are exhausted, well-planned, financed and implemented planned relocations that prioritize community needs can mitigate displacement risks, protect human rights from the start and lay the foundation for durable solutions. This requires a government-led and whole-of-society approach with human rights-based frameworks developed in accordance with international human rights norms and standards.

B. Recommendations

84. **The Special Rapporteur recommends that States:**

(a) **Guarantee in law, policy and practice the liberty of movement and the freedom to choose one's place of residence, including the right to stay, and avoid**

¹³⁸ Guiding Principles on Internal Displacement, principle 2 (2); and Protection Cluster Mozambique, "Standard operating procedures".

¹³⁹ A/HRC/55/53, para. 74 (j).

evictions and the forced relocation of communities in the context of disasters or the adverse effects of climate change;

(b) Develop legal-normative, policy and institutional frameworks governing planned relocations in accordance with international and regional human rights standards that are centred on the autonomy, choice and consent of all those relocating;

(c) Develop standard operating procedures to implement planned relocation policies, including by designating institutional responsibilities and putting in place relevant coordination procedures with a whole-of-government and whole-of-society approach;

(d) Conduct, prior to initiating any relocation process, thorough environmental, social, economic, health and cultural impact assessments with the full participation of affected communities and ensure the preservation of cultural identity in new locations;

(e) Take measures to ensure that the free, prior and informed consent of Indigenous Peoples is respected before any planned relocation process is undertaken, and proactively engage with and seek the partnership and participation of affected persons and communities in all stages of the process;

(f) Establish a national climate land bank in partnership with communities at risk of relocation that meets their needs and is zoned for exclusive use as relocation sites;

(g) Establish mechanisms to identify and secure planned relocation project funding from national and international sources with human rights safeguards;

(h) Require that local authorities, communities to be relocated and local communities co-develop a planned relocation action plan that sets out all details, timelines and responsibilities for the planned relocation;

(i) Ensure that relocations are carried out without discrimination and distinction of any kind and in accordance with key protection and human rights safeguards and principles, are safe, voluntary and dignified, and promote inclusive and equitable development;

(j) Identify and assess the social, emotional and psychological consequences of planned relocations on affected communities, and ensure adequate support is available to fully address them;

(k) Review land tenure laws to address barriers for communities relocating across traditional boundaries, ensuring secure tenure in relocation areas and preventing future disputes;

(l) Provide just and satisfactory compensation for loss of land and remedies for other tangible and intangible assets, with due consideration for the special rights and needs of Indigenous Peoples;

(m) Foster opportunities for community-to-community knowledge transfer and experience-sharing, including by providing opportunities for the community to share its expertise with other communities considering planned relocation;

(n) Establish conditions for the full enjoyment of human rights in relocation areas, and monitor, identify and address the human rights challenges and protection risks that relocated persons and communities face, with the objective of achieving durable solutions;

(o) Ensure access to justice, and provide legal aid and support to those who have grievances concerning their relocation.

85. The Special Rapporteur recommends that national human rights institutions, civil society organizations, regional and international organizations, United Nations bodies and agencies and international financial institutions, as appropriate:

- (a) **Provide financial resources and technical expertise for the development of national legal and/or policy frameworks to protect people at risk of or displaced by disasters or the adverse effects of climate change;**
 - (b) **Support communities at risk of displacement and wishing to relocate with relocation funding and authorization to relocate, and provide direct funding and technical support to communities leading relocations;**
 - (c) **Foster opportunities for government knowledge transfer and experience-sharing, including by facilitating government peer exchanges to share their expertise with other States considering planned relocations;**
 - (d) **Allocate a greater share of climate finance to climate adaptation and address gaps in access to climate finance funding by fragile and conflict-affected countries, which are often particularly vulnerable to climate risks;**
 - (e) **Support national authorities with assessments and data collection and analysis required to authorize, plan, implement and monitor planned relocations, taking into account different knowledge systems and community assessments;**
 - (f) **Support national authorities to establish the conditions for durable solutions in relocation areas in accordance with the Inter-Agency Standing Committee Framework on Durable Solutions for Internally Displaced Persons by addressing relocated persons' specific needs and vulnerabilities with regard to their relocation and supporting their enjoyment of human rights.**
-