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TABLE OF CONTENTS

ABSTRACT.....	1
SYNOPSIS.....	1
RECOMMENDATIONS.....	2
1. INTRODUCTION.....	3
2. KEY CONCEPTS AND TERMINOLOGY.....	3
3. HAZARDS, CLIMATE CHANGE AND VULNERABILITY IN SOUTHEAST ASIA AND SOUTH ASIA	
3.1 GEOGRAPHIC AND INCOME DIVERSITY.....	5
3.2 HAZARD PROFILE.....	5
3.3 ADVERSE EFFECTS OF CLIMATE CHANGE	5
3.4 EXPOSURE, VULNERABILITY AND COPING CAPACITY.....	6
4. HUMAN MOBILITY IN SOUTHEAST ASIA AND SOUTH ASIA	
4.1 INTERNAL AND CROSS-BORDER DISPLACEMENT.....	7
4.2 INTERNAL AND INTERNATIONAL MIGRATION.....	9
4.3 INTERNAL PLANNED RELOCATION.....	11
5. REGIONAL BODIES, INSTRUMENTS AND PROCESSES	
5.1 ASSOCIATION OF SOUTHEAST ASIAN NATIONS.....	13
5.2 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION	15
5.3 THE BALI AND COLOMBO PROCESSES.....	17
6. PROSPECTS FOR THE FUTURE	
6.1 NORMS APPLICABLE TO INTERNAL AND CROSS-BORDER DISPLACEMENT.....	18
6.2 NORMS APPLICABLE TO INTERNAL AND INTERNATIONAL MIGRATION.....	22
6.3 NORMS APPLICABLE TO INTERNAL PLANNED RELOCATION.....	24
6.4 NORMS APPLICABLE TO DISASTER RISK REDUCTION.....	25
7. CONCLUSION AND POLICY RECOMMENDATIONS.....	27
REFERENCES.....	29

ABSTRACT

To consider the governance of environmental mobility in Southeast Asia and South Asia, it is important to first appreciate a number of themes. They include: (1) hazard, disaster, climate change and environmental degradation dynamics and how they affect lives, living conditions and human mobility; (2) displacement, migration and planned relocation within and across borders; and (3) sub-regional and domestic norms, institutions and processes relevant to addressing human mobility. This sub-regional working paper provides a preliminary and working discussion on these aspects. The analysis informs three strategic and pragmatic recommendations to improve the governance of environmental mobility in Southeast Asia and South Asia: (1) guide and support States to systematically address human mobility in disaster risk reduction and disaster risk management frameworks; (2) prioritize human mobility sensitive and coherent normative and operational frameworks on climate change action; and (3) guide and support States to adopt and implement normative and operational frameworks on internal displacement that capture flight associated with disasters and climate change.

SYNOPSIS

The 18 countries of Southeast Asia and South Asia are economically and environmentally diverse. Storms, floods, landslides, avalanches, droughts, volcanoes, earthquakes and tsunamis commonly trigger disasters. Climate change has affected agricultural systems and natural resources-based livelihoods and will contribute to rising seas, melting glaciers, inundation, erosion and salinization. Climate change is also expected to heighten the frequency and intensity of storms, floods and other weather-related hazards. These adverse affects and their interplay with poverty, inequality, population growth and density, urbanization, conflict and environmental degradation affect conditions of vulnerability and exposure to risks. Together they undermine resilience and influence decisions on movement, underscoring the importance of identifying entry points and approaches to better govern environmental mobility and protect and assist affected people.

Comprehensive data on internal and cross-border displacement, migration and planned relocation associated with hazards, disasters and environmental degradation does not exist, however. The richest information indicates Asia accounts for most new internal displacements associated with disasters globally. Preliminary insights indicate that of the seven countries that have adopted a domestic instrument on internal displacement, five expressly reference disasters. Cross-border displacement associated with disasters is less well understood, despite efforts by the Nansen Initiative to identify examples in which Southeast Asian and South Asian States received or refrained from returning disaster-affected non-citizens. The Migrants in Countries in Crisis Initiative highlighted evacuation and repatriation of migrants affected by disasters in destination countries, arguably another form of cross-border displacement.

Understanding the scale of migration associated with environmental degradation is perhaps even more complex. Choices and decisions to migrate are influenced by economic, social, demographic and political drivers, which co-exist with environmental drivers, and complicate disaggregation. Empirical research continues to build knowledge on migration driven by environmental factors, which occur within and from many of the countries in the two sub-regions. In at least 13 of the 18 countries, communities and authorities have also undertaken internal planned relocation of groups of people to minimize harms and risks associated with floods, tsunamis, volcanoes, landslides, erosion and sea-level rise. Some countries have adopted specific instruments relevant to planned relocation.

At the sub-regional level, norms and policy discussions on human mobility associated with hazards, disasters and environmental degradation is limited. Sub-regional bodies such as ASEAN and SAARC and consultative dialogues such as the Bali and Colombo processes seek to engender cooperation, mutual assistance and coordination on diverse themes. However, States in Southeast Asia and South Asia have been reticent to address politically sensitive cross-border movements through multi-lateral agreements. For instance, they

have a poor ratification record on the 1951 Refugee Convention. ASEAN and SAARC have not adopted specific intra-regional instruments concerning environmental mobility. In this context, intra-regional and bi-lateral instruments addressing labor migration, trafficking or preferential visa exemptions may provide some pathways. The Bali and Colombo processes also discuss cross-border human mobility and associated protection concerns, particularly as they relate to irregular migration, trafficking and smuggling or migrant workers. Notably, the Colombo Process has expressed a need for policy and institutional responses to mitigate the impact of disaster and other emergency situations on migrant workers and recognized the need to better understand the nexus between climate change, environmental degradation and human mobility.

On the other hand, multilateral cooperation and domestic engagement is evident in the fields of disaster risk reduction (DRR), disaster risk management (DRM) and the preservation of the environment. Continental, sub-regional and national instruments exist on DRR or DRM, framed by a global normative architecture. A recent continental ministerial conference on DRR explicitly highlighted displaced and migrant populations and identified priority actions to strengthen disaster risk governance that also recognizes the importance of normative provisions on displacement and human mobility. Seventeen of the 18 States have adopted instruments on climate change or the environment, 15 have adopted DRR or DRM laws or policies, and many have submitted national adaptation plans.

RECOMMENDATIONS

The preceding insights raise three key recommendations. They are based on the premise that the most critical, strategic and pragmatic avenues to improve the governance of human mobility in the context of disasters, climate change and environmental degradation in Southeast Asia and South Asia concern movements within countries. Internal mobility is prevalent in the sub-regional States and generally understood to dramatically overshadow cross-border mobility. Many countries and populations are adversely affected by large-scale internal displacement, internal migration associated with environmental drivers is occurring and almost all countries in the sub-regions have implemented planned relocation. Shifting dynamics in urbanization and escalating changes in the climate are expected to compound exposure and conditions of vulnerability, heightening the dilemmas affecting sub-regional States. In this context, the following three recommendations are arguably essential for improving the governance of environmental mobility in Southeast Asia and South Asia. They also have potential to benefit the greatest number of people.

1. DRR and DRM: Guide and support States to systematically consider and address human mobility associated with hazards, disasters and environmental degradation in DRR and DRM policy and operational frameworks to prevent and mitigate harms and protect people. Recent efforts have also emphasized the importance of promoting a human rights-based approach to the integration of human mobility within such instruments.
2. Climate change action: Prioritize human rights based, human mobility sensitive normative and operational frameworks related to climate change action and ensure they cohere with domestic DRR and DRM instruments and other relevant standards. This has the potential to foreground prospective effects of climate change on human mobility and to assemble a broad coalition of informed actors engaged on and enabled to address human mobility.
3. Internal displacement: Guide and support States to adopt and implement normative and operational frameworks on internal displacement that capture flight associated with disasters and climate change, and are consistent with international norms regarding protection, assistance and solutions for internally displaced persons. A mechanism that convenes protection, DRR, DRM and climate action stakeholders to monitor normative and operational engagement, assess compliance against international standards, and generate political will and capacity may precipitate changes that better address displacement and the rights of displaced people, while also cultivating a cohesive architecture for lasting change.

1. INTRODUCTION

This regional research paper contributes to the Global Governance of Environmental Mobility project led by the Zolberg Institute on Migration and Mobility. It discusses human mobility in the context of hazards, disasters, climate change and environmental degradation in Southeast Asia and South Asia, and applicable sub-regional and domestic norms, institutions and processes. Before delving into these themes, the next section provides an introduction to key concepts. Section Three discusses introduces hazard, climate change and vulnerability dynamics in the sub-regions to inform the discussion in Section Four on prevalent forms of human mobility—displacement, migration and planned relocation—within and across international borders. Notable sub-regional bodies, processes and instruments are highlighted in Section Five, ahead of a discussion of domestic norms and case studies in Section Six. The final section offers preliminary suggestions on policy options and entry points to address needs and rights related to migration, displacement and planned relocation.

2. KEY CONCEPTS AND TERMINOLOGY

Disasters occur when people in vulnerable situations are exposed to hazards and do not have the adaptive capacity to cope.¹ Many disasters are triggered by **hazards** such as floods, storms (hurricanes, cyclones, typhoons), droughts, earthquakes, tsunamis, landslides, volcanic eruptions and wildfires.² Hazards that trigger disasters may be natural, anthropogenic or socio-natural meaning that they can be associated with a combination of natural and anthropogenic factors, including environmental degradation and climate change.³ In this context, it is inaccurate to suggest that disasters are natural (Mizutori, 2020).

The intensity and frequency of weather- and climate-related hazards such as storms, floods, droughts, heat waves and wildfires have been influenced by anthropogenic **climate change**,⁴ however a given hazard cannot be attributed solely to human influence on the climate system.⁵ Natural climate variability and other factors influence the occurrence, intensity and frequency of hazards.

Storms and floods may lead to widespread destruction and damage to homes, infrastructure and basic services; droughts, rising seas and desertification harm ecosystems and biodiversity and gradually erode livelihoods, living conditions and habitability. In some parts of the world, including in Southeast Asia and South Asia, hazards and the adverse effects of climate change combine with conflict, violence and fragility to compound conditions of vulnerability. These events and phenomena lead to **environmental degradation**, a process through which the natural environment is compromised in some way, reducing biological diversity and the general health of the environment (General Multilingual Environmental Thesaurus, n.d.). Environmental degradation can be entirely natural in origin or it can be accelerated or caused by human activities (*ibid.*).

Human mobility in the context of disasters, climate change and environmental degradation is commonly considered to fall into three categories: displacement, migration and planned relocation. **Displacement** is generally understood to refer to predominantly forced movement, whereas **migration** is generally regarded as predominantly voluntary movement. **Planned relocation** describes a process in which households or communities are physically relocated

1 A disaster is a “serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts” (United Nations Office for Disaster Risk Reduction (UNDRR), 2017a).

2 A hazard is a “process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation” (*ibid.*).

3 For further elaboration, see (*ibid.*).

4 Climate change means “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” (United Nations Framework on Climate Change (UNFCCC), 1992, article 1(2)).

5 Scientific efforts to attribute hazards to anthropogenic climate change continue. Trend analysis is further developed, which is why it is possible to say that climate and weather-related hazards have intensified and become more frequent, over and above natural climate variability.

from their homes and are settled permanently in a new location. It can be forced or voluntary, depending on the circumstances.⁶ Outside relatively clearer extremes, however, disaggregating movement within this forced-voluntary continuum is steeped in complexity; as Kālin explains, the preponderance of choice is a key determinant (Warner et al., 2018, p.40).⁷

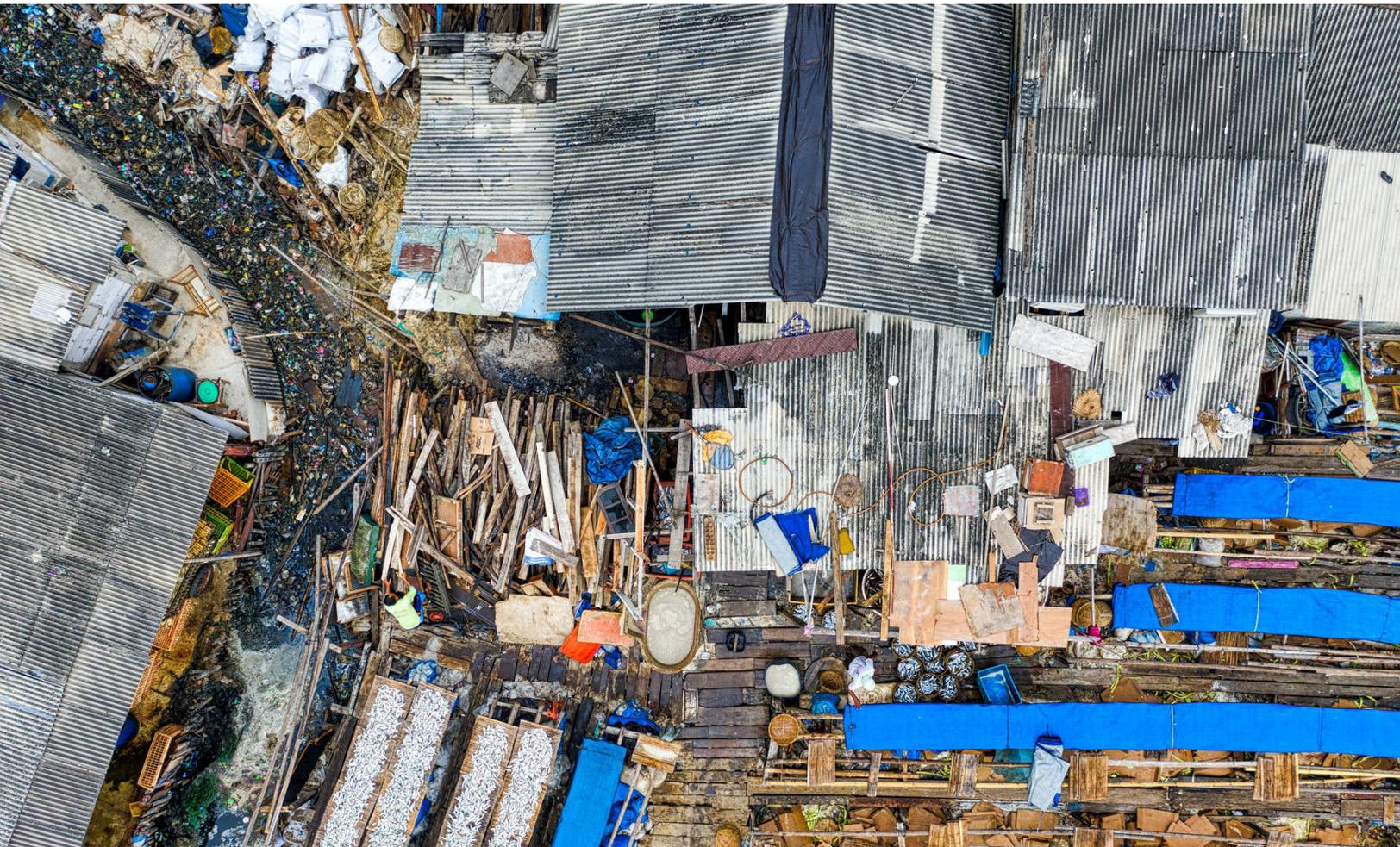
While displacement and migration occur within and across international borders, including in Southeast Asia and South Asia, the vast majority of such movements are **internal**. Planned relocation of people has also occurred largely within countries.

It is important to recognize that migration and displacement in the context of disasters, climate change and environmental degradation are multi-causal. Experts generally agree that people's decisions to move are affected by five broad categories of drivers: environmental, economic, political, social and demographic (The Government Office for Science, London & Foresight Projects, 2011). All of these drivers may interact and influence people's decisions on movements. Environmental drivers include exposure to hazards and "ecosystem services" such as land productivity; food, energy and water security; and overall habitability, which are also affected by governance (*ibid*). Environmental degradation and climate change heighten exposure to hazards, degrade ecosystems and undermine habitability. Environmental degradation and climate change also affect other drivers. For instance, economic drivers affect people through impacts on livelihoods, wages or markets. Political drivers affect people through impacts on scarce resources, governance or tensions. Personal and household characteristics (such as age, gender, disability, capital) and obstacles and facilitators (such as legal frameworks and pathways, social networks, technology) can undermine or promote available choices. In disaster situations, a hazard is perhaps the most visible and dominant trigger for movement, although this does not mean other drivers are irrelevant.

Finally, for the purposes of this paper, **environmental mobility** is used as an umbrella term to refer to displacement, migration and planned relocation associated with hazards, disasters, climate change and environmental degradation.

⁶ For more on this dichotomy, see e.g. (Burson et al., 2018).

⁷ Increasingly, attention has also focused on so-called "trapped" populations, people who are unable to move out of harm's way from locations of high exposure due to conditions of vulnerability, which may arise from inherent or personal characteristics, lack of economic or social capital or legal formalities. In contrast, some people are also considered voluntarily immobile because they aspire to remain in place despite adverse changes to their environment and living conditions. Finally, return movements to places of origin must also be appreciated in the context of efforts to support sustainable solutions.



3. HAZARDS, CLIMATE CHANGE AND VULNERABILITY IN SOUTHEAST ASIA AND SOUTH ASIA

3.1 GEOGRAPHIC AND INCOME DIVERSITY

Comprised largely of peninsulas and islands, the 10 countries of Southeast Asia—Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam—are geographically and economically diverse. Lao PDR is the only country that is landlocked. The physical landscape varies dramatically from high mountain ranges, extensive river systems and tropical rainforests to fertile valleys and deltas. Five countries are lower middle income, three are upper middle income and two are high-income (The World Bank, n.d.). The eight countries of South Asia—Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka—are also geographically and economically diverse. The Maldives archipelago and Sri Lanka are island nations; Bangladesh, India and Pakistan have varied coastlines, while Afghanistan, Bhutan and Nepal are landlocked. Spanning some of the highest and lowest elevations in the world with dry conditions and seasonal monsoon rains, the sub-region’s geographic terrain covers mountainous ranges and glaciers, extensive river systems, extended coastlines, deserts, plateaus and deltas. Most countries are classified as lower middle-income; only the Maldives is upper middle income, while Afghanistan is low income (*ibid.*).

Table 1: World Bank income classification

HIGH INCOME	UPPER MIDDLE INCOME	LOWER MIDDLE INCOME	LOW INCOME
Brunei Darussalam	Indonesia	Cambodia	
Singapore	Malaysia	Lao PDR	
	Thailand	Myanmar	
		Philippines	
		Viet Nam	
	Maldives	Bangladesh	Afghanistan
		Bhutan	
		India	
		Nepal	
		Pakistan	
		Sri Lanka	

3.2 HAZARD PROFILE

Almost all countries in Southeast Asia and South Asia are prone to a variety of hydro-meteorological, geological or geophysical and environmental hazards.⁸ These include storms (cyclones and typhoons), flooding (riverine, coastal and flash floods), storm surges, landslides, avalanches, droughts, volcanoes, earthquakes, tsunamis and forest and wildfires. Most countries experience multiple hazards in any given year. Some hazards such as flooding are often accompanied or triggered by others such as storms, landslides or storm surges. Both Indonesia and the Philippines are located on a 40,000km path along the Pacific Ocean, referred to as the “Ring of Fire” and characterized by active volcanoes and frequent earthquakes (World Bank, n.d.). Several tectonic plates converge along the path, which is home to 75 per cent of the earth’s volcanoes and generally accounts for about 90 per cent of earthquakes (National Geographic Society, 2019).

3.3 ADVERSE EFFECTS OF CLIMATE CHANGE

Given the breadth and diversity of the two sub-regions, the adverse effects of climate change vary based on geography and climate across the 18 countries. Increased temperatures and warming trends have occurred across most of Asia and are expected to continue (Hijioka et al., 2014). Rainfall has increased or decreased in different parts of the continent and during different seasons with extremes characterized by strong variability. Water scarcity is expected to be a major challenge. Rising seas and melting glaciers will contribute to extreme high water levels, inundation, erosion and saltwater intrusion in coastal and low-lying areas. As in other parts of the world, the frequency and intensity of weather and climate-related hazards, such as flooding, droughts, heavy rains

⁸ For definitions of these terms, see (UNDRR, 2017a).

and storms and temperature extremes will continue to increase. Many countries in the sub-regions are among the most vulnerable to changes in the climate.⁹

3.4 EXPOSURE, VULNERABILITY AND COPING CAPACITY

A range of factors compounds the exposure and conditions of vulnerability faced by people in Southeast Asia and South Asia. Population growth, rapid urbanization and dense living conditions have meant greater concentrations of people in hazard-prone urban areas, including slums, which have heightened exposure to disaster risks. On the other hand, many rural populations are dependent on agriculture and other natural resource-dependent livelihoods that are adversely affected by climate change with ongoing implications for food and economic security. Many settlements and major cities in Bangladesh, India, Indonesia, Thailand and Viet Nam that are located in coastal, deltaic or other low-lying areas face increased risks of flooding, salinization and inundation. Indeed, some of these risks are projected to be highest in Southeast Asia and South Asia (Masson-Delmotte et al., 2018, pp.231-232). Several countries—Afghanistan, Bangladesh, India, Indonesia, Myanmar, Pakistan and the Philippines—also grapple with conflict.

These dynamics are expected to exacerbate poverty, inequalities and conditions of vulnerability. Risks are unevenly distributed and affected by a range of factors, including urban and land-use planning, disaster risk reduction (DRR) and disaster risk management (DRM), (environmental and natural resource) governance, and mitigation and adaptation measures which rely on financial means and technical acumen.¹⁰

The Index for Risk Management (INFORM Risk Index), developed through collaboration between the Inter-Agency Standing Committee Task Team for Preparedness and Resilience and the European Commission, provides a helpful baseline to understand exposure, vulnerability and coping capacity in the countries under discussion (European Commission Disaster Risk Management Knowledge Centre (DRMKC), n.d.). The index measures risks of humanitarian crises and disasters based on an assessment of 191 countries at the national level; it helps to identify where and why a crisis might occur in order to reduce risks, build resilience and better prepare. The index creates a risk profile for every country by using 50 different indicators to measure three key components: both natural and human-made hazards, people's exposure and vulnerability, and the resources available to help people cope. Each country and component is attributed a rating from 0-10 to enable comparison; a score close to zero reflects a relatively low risk of humanitarian crises and disasters, while a score close to ten reflects a very high risk.

Table 2 compares the 18 countries in Southeast Asia and South Asia based on the INFORM Risk Index.¹¹ The table lists scores for specific components: (1) a score for natural hazards, human-made hazards and a combined score for hazards and exposure; (2) a score for vulnerability, which captures socio-economic vulnerability and vulnerability of particular groups; and (3) a score for lack of coping capacity, which captures institutional and infrastructure capacity.¹² The scores for each component are used to determine the overall INFORM risk and the risk class for each country. In general, the Philippines, Bangladesh, India, Myanmar, Indonesia, Pakistan and Viet Nam have relatively high scores for natural hazard risk and exposure as compared to other countries in the sub-regions. However, when human-made hazards are considered, Afghanistan has the highest risk, ahead of the Philippines, Bangladesh, Indonesia, India, Myanmar and Pakistan. Overall, when vulnerability and coping capacity are also taken into account, Afghanistan is assessed as very high risk for humanitarian crises and disasters, while Myanmar, Pakistan, Bangladesh, the Philippines, India and Nepal are assessed as high risk.

9 For further information and to access additional resources see e.g. (Asian Development Bank, 2017; Eckstein et al., 2019; University of Notre Dame, n.d.; Verisk Maplecroft, n.d.).

10 As explained by the United Nations Office for Disaster Risk Reduction (UNDRR), “disaster risk management” or DRM is the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, contributing to the strengthening of resilience and reduction of disaster losses. Disaster risk management actions can be distinguished between prospective disaster risk management, corrective disaster risk management and compensatory disaster risk management, also called residual risk management. UNDRR also explains that “disaster risk reduction” or DRR is aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development. Disaster risk reduction is the policy objective of disaster risk management (UNDRR, 2017a).

11 The data included in this table has been gathered from (DRMKC, n.d.).

12 Indicators for natural hazards relate to physical exposure and physical vulnerability to earthquakes; floods; tsunamis; tropical cyclones; droughts; and epidemics. Indicators for human-made hazards relate to conflict intensity and projected conflict intensity. Indicators for socio-economic vulnerability relate to development and deprivation; inequality; and aid dependency. Indicators for vulnerable groups relate to uprooted people and other vulnerable groups with a specific focus on health conditions; children under 5; recent shocks; and food security. Indicators for institutional capacity relate to DRR and governance. Indicators for infrastructure relate to communication, physical infrastructure and access to health systems (*ibid.*).

Table 2: Country-level risks and rankings based on INFORM Risk Index 2021

COUNTRY	NATURAL HAZARDS	HUMAN HAZARDS	HAZARD & EXPOSURE (NATURAL & HUMAN-MADE)	VULNERABILITY (SOCIO-ECONOMIC & VULNERABLE GROUPS)	LACK OF COPING CAPACITY (INSTITUTIONAL & INFRASTRUCTURE)	OVERALL INFORM RISK (& RISK CLASS)
Brunei Darussalam	2.8	0	1.5	0.9	3.5	1.7 (very low)
Cambodia	5.8	2.2	4.2	4.0	6.1	4.7 (medium)
Indonesia	7.7	7.0	7.4	3.3	4.5	4.8 (medium)
Lao PDR	4.9	0.6	3.0	3.6	6	4.0 (medium)
Malaysia	4.9	1.5	3.4	3.1	2.9	3.1 (low)
Myanmar	7.8	7.0	7.4	5.3	6.3	6.3 (high)
Philippines	8.4	7.0	7.8	4.5	4.3	5.3 (high)
Singapore	.9	.1	.5	.3	1	0.5 (very low)
Thailand	6.2	4.6	5.5	3	4	4.0 (medium)
Viet Nam	7.4	2.2	5.4	2.2	4.2	3.7 (medium)
Afghanistan	6.7	10	8.9	8.2	7.3	8.1 (very high)
Bangladesh	8.2	6.5	7.4	5.4	5.0	5.8 (high)
Bhutan	3.5	.1	2	3.5	4.5	3.2 (low)
India	7.8	7	7.4	4.9	4.3	5.4 (high)
Maldives	3.2	.1	1.8	1.8	4.3	2.4 (low)
Nepal	5.8	5.5	5.7	4.5	5.6	5.2 (high)
Pakistan	7.4	7	7.2	5.7	5.5	6.1 (high)
Sri Lanka	5.2	3.4	4.4	3.1	4	3.8 (medium)

4. HUMAN MOBILITY IN SOUTHEAST ASIA AND SOUTH ASIA

Globally, the full magnitude of internal and cross-border movements associated with hazards, disasters, climate change and environmental degradation is not well known. Relatively comprehensive estimates are available only for internal displacement. This section discusses internal and cross-border displacement and internal and cross-border migration in Southeast Asia and South Asia, as well as planned relocations within these countries.

4.1 INTERNAL AND CROSS-BORDER DISPLACEMENT

Since 2008, the Internal Displacement Monitoring Centre (IDMC) has compiled global estimates on internal displacement associated with disasters (i.e., disasters triggered by hazards such as storms, floods, earthquakes and volcanoes). More recently, IDMC has also captured internal displacement associated with drought in some countries, including Afghanistan. Methodologies for estimating internal displacement associated with other phenomena, including coastal and riverbank erosion, are under development and being piloted. Spontaneous flight and evacuations are counted under the rubric of displacement.¹³

During the 11 years between 2008 and 2018, disasters triggered 265 million new internal displacements around the world (IDMC, 2019a). Weather-related hazards such as storms and floods generally underpinned over 87 per cent of global new displacements, while geophysical hazards such as earthquakes and tsunamis triggered the rest (*ibid.*). In 2019, of the 24.9 million new internal displacements associated with disasters, 23.9 million were weather-related (storms, floods, droughts, landslides, wildfires and extreme temperatures) and the rest were geophysical (earthquakes and volcanic eruptions) (IDMC, 2020a). The impacts of climate change and increasing concentrations of people in areas exposed to floods and storms mean that more people are at risk of being displaced in the future (IDMC, 2019a). The convergence of hazards, climate change, vulnerability and exposure creates particularly acute internal displacement dynamics in Southeast Asia and South Asia.

¹³ In some respects, IDMC's global internal displacement figures are an underestimate since they fail to capture displacement linked to all droughts and other climate-related phenomena. Moreover, not all internal displacement triggered by hazards is captured due to data collection, reporting, security and other constraints.

Asia generally accounts for the vast majority of new internal displacements associated with disasters. More than 80 per cent or approximately 187 million of the 265 million total recorded between 2008 and 2018 occurred in the Asia-Pacific region (*ibid.*).¹⁴ In 2019, as in previous years, most of the new displacements were recorded in East Asia and the Pacific (38.6 per cent) and South Asia (38.3 per cent), which together accounted for over 75 per cent of the global total (IDMC, 2020a). Countries in Southeast Asia and South Asia consistently feature in annual lists of the top 10 countries in the world with most new displacement associated with disasters. In 2019, India, the Philippines, Bangladesh and Indonesia were in the top 10; the first three countries recorded the highest new displacements and accounted for over 50 per cent of the global total (*ibid.*). In 2018, the Philippines, India, Indonesia, Afghanistan and Myanmar made the list (IDMC, 2019c). In 2017 the Philippines, India, Bangladesh, Viet Nam and Nepal were among the top ten (IDMC, 2018).

Internal displacement estimates for countries such as Bangladesh, India and the Philippines include significant proportions of people who have been pre-emptively evacuated ahead of storms, monsoon rains, floods and other hazards. In these countries, high population density, conditions of vulnerability and hazard exposure mean disasters affect millions of people each year. In general, once emergency conditions recede, many internally displaced persons (IDPs) may return to places of origin. However, this does not necessarily mean they have overcome vulnerabilities associated with displacement. Efforts to understand the scale and nature of protracted displacement associated with disasters and to track medium-to-long-term needs are nascent; 2019 was the first year IDMC recorded conservative year-end estimates (stock figures) of people who remained internally displaced in the context of disasters (IDMC, 2020a). Afghanistan had the highest stock estimate in the world with almost 1.2 million people, India the third highest with close to 600,000 people and the Philippines the fourth highest with over 350,000 people (IDMC, n.d.). Indonesia and Bangladesh were also in the top 20 countries (*ibid.*).

There are also efforts to assess prospective “displacement risk” associated with earthquakes, floods, storms and tsunami.¹⁵ India, Bangladesh, Viet Nam, the Philippines, Myanmar, Pakistan and Indonesia, mostly lower-middle income countries with densely populated cities and settlements located on seismic fault lines, flood-prone areas or exposed coastal geographies rank in the top 8 countries for displacement risk (IDMC, 2019b).¹⁶ Flooding is predicted to trigger the majority of displacement (*ibid.*).

Many countries in Southeast and South Asia also grapple with conflict and violence and record significant new internal displacement associated with these triggers each year. Table 3 provides an overview of the overlap between new displacement associated with disaster and new displacement associated with conflict and violence based on estimates compiled by IDMC for the years 2017 to 2019 (IDMC, n.d.). In Afghanistan, for example, in addition to 1.2 million people who remained displaced at the end of 2019 in the context of disasters, close to another 3 million people remained displaced due to conflict and violence (*ibid.*). The overlap and interaction of these and other shocks have compounded conditions of vulnerability and eroded resilience. People experience multiple displacement triggered by each driver (Weerasinghe, forthcoming). In this context, in 2020, IDMC produced an Internal Displacement Index (IDI), which invites in-depth, context-specific assessments of country situations; the inaugural IDI focuses on countries that recorded internal displacement associated with conflict and with disaster in 2018 (IDMC, 2020a).

¹⁴ IDMC appears to break down the Asia Pacific region into three sub-regions as follows: South Asia, Southeast and East Asia and Australasia and the Pacific. In addition to the 18 countries the subject of this paper, estimates relating to the full Asia Pacific region include approximately 38 additional countries and territories. (Personal correspondence, IDMC, December 7 2020, on file with the author.)

¹⁵ See e.g., (IDMC, 2019b). See however, (Guadagno & Yonetani, forthcoming) where the authors critique the “displacement risk” concept and framing in DRR and climate change adaptation discourse and recommends a more nuanced discussion that recognizes displacement not as a risk per se, but as a dynamic of vulnerability and resilience which can be managed through effective interventions.

¹⁶ This research suggests that population exposure plays a key role in creating displacement risk.



Table 3: New disaster and conflict associated displacement by country (2017-2019)¹⁷

COUNTRY	2017		2018		2019	
	DISASTER	CONFLICT	DISASTER	CONFLICT	DISASTER	CONFLICT
Brunei Darussalam	94	-	-	-	-	-
Cambodia	15000	-	37000	-	70000	-
Indonesia	365000	2800	853000	4500	463000	23000
Lao PDR	190	-	19000	-	103000	-
Malaysia	8200	-	38000	-	63000	-
Myanmar	351000	57000	298000	42000	270000	80000
Philippines	2529000	645000	3802000	188000	4094000	183000
Singapore ¹⁸						
Thailand	50000	-	4600	-	61000	-
Viet Nam	633000	-	143000	-	89000	-
Afghanistan	27000	474000	435000	372000	117000	461000
Bangladesh	946000	6000	78000	300	4086000	520
Bhutan	-	-	-	-	-	-
India	1346000	78000	2675000	169000	5018000	19000
Maldives	76	-	20	-	300	-
Nepal	384000	2	12000	-	121000	-
Pakistan	1800	75000	2100	1800	100000	16000
Sri Lanka	135000	-	100000	1100	87000	1700

Global estimates on cross-border displacement associated with disasters are unavailable. Nor is there systematic monitoring at the global level to gather and consolidate such information. While some countries may record pertinent data, finding cohesive information repositories on these dimensions has proved difficult. More generally, there are conceptual questions associated with what constitutes cross-border displacement. In 2015, the Nansen Initiative identified at least 50 countries that had received or refrained from returning people who had crossed an international border in the context of disasters, particularly those triggered by storms, flooding, drought, tsunamis and earthquakes (The Nansen Initiative, 2015).

Incidents of people crossing borders in the context of hazards and disasters have been recorded in Southeast Asia and South Asia and compiled by the Nansen Initiative. For example, during a typhoon in 2006, upon the request of the Cambodian government, the Vietnamese government rescued some 500 Cambodians in border areas as part of its evacuation of citizens (*ibid.*). In 2008, in the months following cyclone Nargis, approximately 600 cyclone survivors from Myanmar are reported to have entered Thailand through the border town of Mae Sot (*ibid.*). In the aftermath of a cyclone in Bangladesh in 2009, people moved into the Indian city of Kolkata (*ibid.*) Following an earthquake in 2015 in Nepal, Nepalese and non-citizens fled or were evacuated by train into India (*ibid.*). In these types of cross-border displacements, people may face numerous protection challenges, including due to their status and modes of movement.¹⁹

Given the prevalence of diaspora from Southeast Asia and South Asia around the world, another relevant dimension of cross-border displacement relates to evacuation and repatriation when disasters occur in destination or transit countries. Recent history has borne witness to a range of situations in which citizens from South Asian and Southeast Asian countries have been affected by disasters in countries in which they are living, working or visiting. In these contexts, States of origin have supported the evacuation and repatriation of their citizens, sometimes in collaboration or with support from other governments.²⁰

4.2 INTERNAL AND INTERNATIONAL MIGRATION

Global and regional-level estimates on migration associated with climate change, climate variability and environmental degradation are not compiled. Unlike displacement in the context of disasters, where a visible

¹⁷ Data based on (IDMC, n.d.).

¹⁸ No data is available on Singapore.

¹⁹ In this respect, other regions have been proactive in formulating guidance on admission and stay. See e.g., (The Nansen Initiative, 2016); See also similar guidelines in South America, (Platform on Disaster Displacement & Nansen Initiative, 2018).

²⁰ See e.g., case study on the Philippines.

hazard or trigger event generally creates a reference point from which to consider movements, “voluntary” (and anticipatory) migratory movements associated with environmental factors are less visible and therefore difficult to identify as such. Moreover, as migratory movements are always multi-causal, influenced by a range of drivers, including environmental drivers that may affect livelihoods, incomes and other basic living conditions, disaggregation is complex. In light of this complexity, and multi-causality, in Southeast Asia and South Asia as in other parts of the world, obtaining a comprehensive overview of predominantly voluntary migratory movements that have been influenced by extant environmental degradation and climate change or influenced by a desire to avoid or adjust to related future harms is difficult. In general, these sentiments also hold true at the national level. While movements within countries may be influenced by environmental factors, internal migration of citizens generally attracts limited attention given freedoms to move within countries.²¹

Internal migration into cities in South Asia and Southeast Asia has contributed to (unplanned) urbanization, although natural population increase—the difference between births and deaths—and the reclassification of cities has also played a significant role in urbanization (United Nations Department of Economic and Social Affairs (UNDESA), Population Division, 2019a; United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), 2017a; Ellis & Roberts, 2016; UNESCAP, 2013). Cities in the sub-regions are experiencing dynamic processes of change with unprecedented demographic shifts, growth of so-called “mega cities” and broad distribution of people in small-to-medium sized cities (UNDESA, 2019a; UNESCAP 2017a; Ellis & Roberts, 2016; Dahiya, 2014). At the country-level, there are wide-ranging differences between planned processes of urbanization, in terms of scale – such as between Singapore and Bhutan – and in terms of projected growth (UNDESA, 2019a). Urbanization has contributed to environmental degradation, increased pressure on natural resources, and growing exposure to natural hazards and the impacts of climate change (UNESCAP, 2017a). As an example, in its National Framework Strategy on Climate Change, the Philippines indicates that the migration of people into “areas where they should not be contribute to the overall vulnerability of the country to ... threats like climate change.” The Framework further notes that urbanization and migration into urban areas have contributed to “increasing deteriorating conditions in urban centers and upland areas” (Climate Change Commission, Philippines, n.d.).

International migration from Southeast Asia and South Asia is predominantly within the Asian continent and often to neighboring or nearby countries (UNESCAP, 2017b). Extra-regional migration destinations include the Gulf States and the Middle East and Organization for Economic Cooperation and Development (OECD) Countries (*ibid*; UNDESA, 2019b). The top sending countries in the two sub-regions include Bangladesh, India, Myanmar, Nepal, Indonesia, Pakistan and the Philippines, whereas Malaysia and Singapore were major receiving countries between 2000 and 2020 (UNDESA 2019b). Characteristics of cross-border migratory movements are diverse, but in general include (temporary and circular) labor migration through regular and clandestine channels (UNESCAP, 2017b). In the two sub-regions, smuggling and trafficking actors also facilitate movements. These dynamics have meant notable populations of documented and undocumented migrants from Southeast Asia and South Asia in destination countries, including within the sub-regions. Diaspora from source countries in Southeast Asia and South Asia are a key source of remittances, relevant to building adaptive capacity of those left behind, including to hazard and climate-related shocks (Oakes et al., 2020; Banerjee et al., 2017).

Poverty, inequality, conflict and violence, (under-)development and opportunity have underpinned both internal and cross-border migration. As such migratory movements are generally regarded as “mixed”. This terminology captures the notion of multi-causality in the drivers and decisions underpinning movement, and the recognition that people with varied, overlapping and heterogeneous motivations and statuses (comprising different conceptual categories such as refugees, asylum seekers, and labor, education and family migrants) move together along similar paths using regular or irregular channels.²² For this paper, the inquiry also concerns the extent to which motivations and decisions were influenced by considerations related to the environment, including hazards, degradation and climate change.

In this context, and notwithstanding the challenges highlighted, internal and cross-border migratory movements driven by environmental factors are occurring within countries and across international borders (Oakes et al., 2020). Table 4 notes the existence of studies identifying environmental factors as drivers of migration for many of the countries in the sub-regions. The studies indicate environmental factors such as rainfall variability, floods and drought have influenced individual and household—temporary, circular and sometimes more permanent—migration decisions to varying degrees and often indirectly through effects on livelihoods, economic pressure, food insecurity or other dimensions. The World Bank has also modeled projections of “climate migrants”, people

²¹ Note however, that some countries may have internal migration registration systems and restrictions in place.

²² For one description of mixed migration, see e.g., (Khosler & Martin, 2011).

who move within countries “because of climate change-induced migration” for South Asia between 2020-2050 under three different scenarios (Rigaud et al., 2018). The report identifies “in-migration” hotspots, including in Bangladesh, India and Nepal (*ibid.*).

Table 4: Empirical evidence of environmental drivers of migration²³

COUNTRY (SOUTHEAST ASIA)	INTERNAL MIGRATION	CROSS-BORDER MIGRATION	COUNTRY (SOUTH ASIA)	INTERNAL MIGRATION	CROSS-BORDER MIGRATION
Brunei Darussalam	-	-	Afghanistan	Yes ²⁴	Yes ²⁵
Cambodia	Yes ²⁶	Yes ²⁷	Bangladesh	Yes ²⁸	Yes ²⁹
Indonesia	Yes ³⁰	Yes ³¹	Bhutan	Yes ³²	-
Lao PDR	Yes ³³	Yes ³⁴	India	Yes ³⁵	-
Malaysia	Yes ³⁶	-	Maldives	Yes ³⁷	-
Myanmar	Yes ³⁸	-	Nepal	Yes ³⁹	Yes ⁴⁰
Philippines	Yes ⁴¹	Yes	Pakistan	Yes ⁴²	Yes ⁴³
Singapore	-	-	Sri Lanka	Yes ⁴⁴	-
Thailand	Yes ⁴⁵	-			
Viet Nam	Yes ⁴⁶	Yes			

4.3 INTERNAL PLANNED RELOCATION

The term “planned relocation” became familiar in discourse on human mobility in 2010 through a decision of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC, 2011). Since then, research and policy discussions have shed insights on its salience, as adverse effects of climate change intensify risks of flooding, landslides and storm surges or degrade resources and livelihoods essential for a dignified existence (Ferris and Weerasinghe, 2020). While the terminology is relatively new, key components of the notion of planned relocation—the intended permanent movement and settlement of people elsewhere—are familiar from other fields.⁴⁷ In 2015, expert guidance also defined the term.⁴⁸

23 Afrin Shairaj from the Platform on Disaster Displacement identified relevant literature applicable to the countries in the two sub-regions and populated this table. The failure to identify literature in a particular cell does not necessarily mean such literature or applicable movements do not exist. Indeed, further research may illuminate relevant examples. See generally (Oakes et al., 2020).

24 See e.g., (Omerkhil et al., 2020; Privara and Privarová, 2019).

25 See e.g., (Dimitriadi, 2018).

26 See e.g., (Koubi, Spilker, Schaffer, & Böhmelt, 2016).

27 See e.g., (Social Environment Research Consultants (SERC), 2010; Wise, 2012).

28 See e.g., (Islam & Hasan, 2016).

29 See e.g., (Stojanov, Boas et al., 2017).

30 See e.g., (Buchori et al., 2018; Thiede and Gray, 2017).

31 See e.g., (Hillmann and Ziegelmeier, 2016; Sunam et al., 2021).

32 See e.g., (Meyer et al., 2009 [This study also include a historical example.]; Chand, 2013).

33 See e.g., (Rigg, 2007).

34 See e.g., (Barney, 2012).

35 See e.g., (Dallmann & Millock, 2017; Rajan and Bhagat, 2019).

36 See e.g., (Chan, 1995).

37 See e.g.: (Stojanov, Duži et al., 2017); Note however, that other identified articles published in 2015, 2017 and 2019, also suggest that climate change is not identified as a reason for migration by communities in the Maldives.

38 See e.g., (Mekong Migration Network & Asian Migrant Centre, 2013).

39 See e.g., (Massey et al., 2010).

40 See e.g., (Maharjan et al., 2010).

41 See e.g., (Bohra-Mishra et al., 2017).

42 See e.g., (Joshi et al., 2013).

43 See e.g., (Siddiqui et al., 2019).

44 See e.g., (SLYCAN Trust, 2010; UNFPA, 2016).

45 See e.g., (Bardsley & Hugo, 2010).

46 See e.g., (Viet Khao et al., 2012; Koubi, Spilker, Schaffer & Benauer, 2016; Tran, 2019).

47 See e.g., practice in the development field. Indeed, terminology in this area is wide-ranging, with different stakeholders using diverse labels, including resettlement to describe similar phenomena.

48 Planned relocation is “a planned process in which persons or 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. Such Planned Relocation may be carried out at the individual, household, and/or community levels” (UNHCR, 2015, p.5).

Across the globe, the relocation of households and communities has been used as a measure to mitigate exposure and vulnerability and as a means to support adaptation (Bower & Weerasinghe, 2021). A global dataset of planned relocation cases associated with hazards, disasters and environmental degradation was developed in 2021. Drawing on English-language literature, the database details over 300 planned relocation cases in 60 countries with about half of the global total cases identified in Asia; the Philippines, India, Sri Lanka, Indonesia and Viet Nam were among the countries with the highest number of identified cases.

This effort to map cases and create an initial baseline of information provides helpful, although as yet incomplete knowledge on planned relocation cases in Southeast Asia and South Asia (*ibid.*). Preliminary insights suggest a majority of States in the two sub-regions have used relocation as a tool to move people away from harms associated with hazards, disasters and environmental degradation (see Table 5). In Indonesia, a range of hazards, including tsunamis, volcanoes, landslides, riverine floods, sea-level rise and erosion have prompted relocations. In the Philippines, storms and volcanoes have been dominant reasons for initiating relocations, and in Viet Nam, floods, landslides and storms. The 2004 Indian Ocean tsunami underpinned a number of relocations in Sri Lanka and India. Landslides and floods have also been relevant in Sri Lanka, whereas erosion, saline intrusion, floods and earthquakes are identified in India. In Nepal, droughts have underpinned relocations and in Bangladesh, floods and storms.⁴⁹

Further case-study analysis is necessary to obtain granular information on the characteristics of individual cases, including on legal and policy frameworks; government and institutional engagement; coordination and participation; and on processes and challenges. In general, the scale of relocations has varied from tens to thousands of households (*ibid.*). Some have been undertaken in response to the impacts of hazards and disasters, others in anticipation of harms, and many due to a combination. Similarly, some planned relocations have been undertaken prior to displacement, while others have been undertaken following temporary or longer-term displacement. In others, access to settlement land with “acceptable” levels of risk has surfaced as a challenge, with risks of hazard exposure at settlement sites. Some planned relocations have concerned indigenous populations or ethnic minorities, while others are based on shared habitation or proximity to specific hazard-prone geographic locations. Government policies related to no-build or hazard-prone zones have been relevant in some cases. In others, in addition to environmental drivers, social, political, economic and demographic drivers have also directly or indirectly influenced decisions.⁵⁰ More recently, the relocation of Rohingya living in Bangladesh has also raised concerns about the relocation of refugees to areas with significant disaster risks (Frelick, 2018). Understanding the direct and indirect drivers prompting planned relocation decisions, and the processes through which they are implemented is important for assessing human rights implications, including for indigenous communities and minorities.

Table 5: Evidence of relocation in countries in Southeast Asia and South Asia⁵¹

COUNTRY (SOUTHEAST ASIA)	EVIDENCE OF PLANNED RELOCATION CASES	COUNTRY (SOUTH ASIA)	EVIDENCE OF PLANNED RELOCATION CASES
Brunei Darussalam	-	Afghanistan	-
Cambodia	Yes	Bangladesh	Yes
Indonesia	Yes	Bhutan	-
Lao PDR		India	Yes
Malaysia	Yes	Maldives	Yes
Myanmar	Yes	Nepal	Yes
Philippines	Yes	Pakistan	Yes
Singapore	-	Sri Lanka	Yes
Thailand	Yes		
Viet Nam	Yes		

⁴⁹ See also (Bower & Weerasinghe, forthcoming).

⁵⁰ For further details on these themes, see (Bower & Weerasinghe, 2021; Weerasinghe & Bower, forthcoming).

⁵¹ The failure to identify planned relocation occurring within certain countries does not necessarily mean such movements do not exist. Indeed, further research may illuminate relevant examples.

5. REGIONAL BODIES, INSTRUMENTS AND PROCESSES

Sub-regional bodies, instruments and processes in Southeast Asia and South Asia seek to engender cooperation, mutual assistance and coordination on diverse themes. With respect to human mobility, emphasis has been placed on addressing labor migration and on curbing irregular migration, including those facilitated by trafficking and smuggling networks. States in Southeast Asia and South Asia have generally been reticent to address “forced migration” (Petcharamesree, 2016).⁵² They have a relatively poor ratification record on the 1951 Refugee Convention—only Afghanistan, Cambodia and the Philippines are State Parties—and on many international human rights instruments (see e.g., UNHCR, 1951; UNHCR, n.d.; Taylor, 2018).⁵³ In general, ad hoc multi-lateral or bilateral discussions have been a dominant means through which actions are undertaken in the event of large-scale or otherwise politically sensitive cross-border flight.⁵⁴ Human mobility associated with hazards, disasters and environmental degradation is not prominent in policy discourse within the sub-regional landscape, although consideration of the issues is starting to emerge in some forums. This section discusses two sub-regional bodies and relevant normative instruments. In addition, this section highlights two notable regional processes that focus on human mobility.⁵⁵ The effectiveness of these bodies and processes and the extent to which applicable sub-regional instruments are implemented in practice are not discussed.

5.1 ASSOCIATION OF SOUTHEAST ASIAN NATIONS

Established in 1967, all ten countries in Southeast Asia comprise the Association of Southeast Asian Nations or ASEAN (ASEAN, n.d.-a; ASEAN, n.d.-c). Its aims include accelerating economic growth and social progress; promoting regional peace and stability; promoting collaboration, mutual assistance and cooperation on political, security, economic, and socio-cultural dimensions in matters of common interest in multiple fields (*ibid.*). A 1976 Treaty of Amity and Cooperation in Southeast Asia sets out principles – respect for sovereignty, non-interference in the internal affairs of member States, consultation, consensus and non-confrontation – that have become synonymous with the “ASEAN Way,” (*ibid.*; Simm, 2018, pp.116-142, p.121) which according to some commentators has hindered progress on addressing involuntary movements (Petcharamesree, 2016). The ASEAN is organized into three pillars: the political and security community, the economic community and the socio-cultural community. (ASEAN, n.d.-c) The ASEAN Charter serves as a “legal and institutional framework, as well as an inspiration for ASEAN in the years ahead” (ASEAN, 2012b). Its purposes and principles include the promotion and protection of human rights and fundamental freedoms (ASEAN, 2012b). The only reference to mobility in the Charter is found among the list of purposes and relates to facilitating “movement of business persons, professionals, talents and labour” (*ibid.*).

The ASEAN Economic Community (AEC) was established in December 2015 (ASEAN, n.d.-f). The AEC Blueprint 2025 reinforces the AEC’s focus on the mobility of skilled labor, including business visitors and talent within ASEAN (ASEAN, 2015a). Strategic measures to facilitate mobility include expanding and deepening commitments under the ASEAN Agreement on the Movement of Natural Persons (*ibid.*). To achieve the vision of ASEAN as a “quality tourism destination,” noted efforts include increasing “responsiveness to environmental protection and climate change” (*ibid.*). This provision appears to be concerned with attracting tourism to ASEAN countries, while other references to climate change and disaster do not concern mobility at all. The 2012 ASEAN Agreement on the Movement of Natural Persons relates to temporary (not permanent) movement of persons and largely concerns business visitors, contractual service suppliers and intra-corporate transferees (ASEAN, 2012a). The Agreement covers other categories of persons as identified in State schedules of commitments, but does not encompass so-called “unskilled” labor. Under an ASEAN Framework Agreement on Services, ASEAN has also adopted a number of Mutual Recognition Agreements, which facilitate the movement of skilled service professionals (ASEAN, n.d.-h).

By contrast, the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which sets out the general principles and obligations of sending and receiving States and commitments by ASEAN Member States, is not limited to skilled professionals, although it appears to be focused on regular migrant workers (ASEAN, 2007b). Among its general principles, “receiving states and the sending states shall, for humanitarian reasons, closely cooperate to resolve the cases of migrant workers who, through no fault of

⁵² Human rights dimensions and instruments are not discussed in any detail (per prospectus).

⁵³ At the continental level, a binding regional refugee instrument has not been adopted.

⁵⁴ For a more recent example, see (Gleeson, 2017).

⁵⁵ The Almaty Process and other regional consultative processes that are not specific to the majority of countries in South Asia and Southeast Asia have not been discussed here. For more on the Almaty Process for example, see (Taylor, 2018).

their own, have subsequently become undocumented” (*ibid.*).⁵⁶ Obligations are framed by a chapeau that subjects them to “prevailing laws, regulations and policies” of the applicable States and the preamble also recognizes that sovereignty dictates migration policies including entry and stay of migrant workers. The section on commitments by ASEAN member States provides that they will “[e]xtend assistance to migrant workers of ASEAN Member Countries who are caught in conflict or crisis situations outside ASEAN in the event of need”⁵⁷ The ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), established in 2007 to oversee implementation, is charged with, *inter alia*, conducting an annual ASEAN Forum on Migrant Workers (Petcharamesree, 2016).

The 2004 ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children acknowledges “social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons”; member States agree to “undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons” (ASEAN, 2004a). More recently, the 2015 ASEAN Convention Against Trafficking in Persons, Especially Women and Children addresses the prevention, investigation and prosecution of applicable offenses in relation to trafficking in persons (ASEAN, 2015c). In conformity with domestic laws, areas of cooperation under the Convention include appropriate measures to “enable free movement of people to take place legally, and to ensure that immigration requirements are adhered to, by disseminating accurate information on the requirements and conditions enabling the legal entry into, exit from, and stay in their respective territories” (*ibid.*). With respect to cross-border cooperation, the Convention obligates parties to prevent the “movement of traffickers and victims of trafficking in persons by effective border control,” among other measures (*ibid.*, article 13(2)).⁵⁸ A provision on protection obligates parties to “consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases” (*ibid.*, article 14(4)). Nonetheless, emphasis is placed on repatriation and return of victims (*ibid.*, article 15).⁵⁹

Pursuant to the 2006 ASEAN Framework Agreement on Visa Exemption, which does not appear to be in force, member States agree to exempt citizens of other member States holding a valid passport from visa requirements for a period of stay up to 14 days provided that such a stay is not used for purposes other than visits (ASEAN, 2004b).⁶⁰ Member States reserve the right to extend this period (ASEAN, 2004b). However, member States also reserve the right to refuse admission or shorten the duration of stay for people “considered undesirable” (*ibid.*, article 3(2)).⁶¹

ASEAN’s Community Vision 2025, and specifically the component on the ASEAN Socio-Cultural Community, seeks a community that is “inclusive, sustainable, resilient, and dynamic” (ASEAN, 2015d): member States undertake to realize an inclusive community that promotes and protects the human rights of migrant workers and vulnerable and marginalized groups; a sustainable community that promotes social development and environmental protection; and a resilient community with enhanced capacity and capability to adapt and respond to social and economic vulnerabilities, disasters and climate change as well as emerging threats and challenges (*ibid.*). There are, however, no explicit references to displacement or migration as forms of adaptation. The overarching policy framework entitled ASEAN 2025: Forging Ahead Together also fails to discuss displacement, although it contains multiple references to disaster, climate change and migrant workers, and also mentions migration in the context of intra-ASEAN movements and urbanization (ASEAN, 2015b).

56 Principle 2; although principle 4 notes that “Nothing in the present Declaration shall be interpreted as implying the regularization of the situation of migrant workers who are undocumented.”

57 *Ibid.*, paragraph 20: “. . . and based on the capacities and resources of the Embassies and Consular Offices of the relevant ASEAN Member Countries, based on bilateral consultations and arrangement”.

58 Emphasis added.

59 In 2019, ASEAN adopted a Declaration on the Rights of Children in the Context of Migration, which explicitly deals with migration as well as displacement. While the substantive provisions are framed by reference to sovereignty and non-interference in determining policies relating to children in the context of migration including entry and stay, the preamble notes: “with deep concern the millions of children worldwide who are displaced from their homes, including by conflict, poverty, disaster, climate change, and environmental degradation, experience exploitation, deprivation and discrimination on their journeys within and across borders, and acknowledging the need for mechanisms to ensure the protection of their rights and access to services in all regions of the world, including the ASEAN region”. Notably, in paragraph 3, the declaration acknowledges “the need to enhance the identification, referral and protection of, and assistance to all children in the context of migration, including those who have become victims of trafficking, refugees, asylum-seekers, and internally displaced children and all other children requiring protection and assistance”. (ASEAN, 2019) The preamble of the 2010 Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children notes that climate change is a challenge to the pursuit of gender equality. Under the declaration, in paragraph 2 member States agree to foster concerted efforts to “encourage closer cooperation in promoting and protecting the rights of women and children especially those living under disadvantaged and vulnerable conditions, including those in disaster and conflict affected areas”. See (ASEAN, 2010) There are also other references to addressing the impacts of climate and environmental change on specific dimensions. Petcharamesree notes that if interpreted broadly, the declaration may include those on the move. (Petcharamesree, 2016, p.183).

60 On ratification see (ASEAN, 2012d).

61 In addition, the implementation of the agreement may be suspended temporarily for reasons related to national security, public order and public order. See article 5(1).

Nonetheless, under the socio-cultural community pillar, ASEAN has placed emphasis on disaster management, risk reduction and response and cooperation. While ASEAN has a long history on disaster-related cooperation, spurred by the destruction and loss triggered by the tsunami in the Pacific Ocean in December 2004, in 2005 ASEAN member States adopted the ASEAN Agreement on Disaster Management and Emergency Response (AADMER)(ASEAN, n.d.-j; Simm, 2018, p.123). As a binding regional legal instrument, it has the distinction of being one of few regional disaster treaties worldwide (ASEAN, 2015a). The AADMER covers all phases of disaster management. Its principal objective is:

to provide effective mechanisms to achieve substantial reduction of disaster losses in lives and in the social, economic and environmental assets of the Parties, and to jointly respond to disaster emergencies through concerted national efforts and intensified regional and international co-operation. This should be pursued in the overall context of sustainable development and in accordance with the provisions of this Agreement (ASEAN, n.d.-j).

There are no explicit references to mobility however, not even to evacuation measures. Nor are there references to climate change (*ibid.*).⁶² The AADMER establishes the ASEAN Co-ordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) as well as a Conference of the Parties.⁶³ Strategic-level policy dialogues on disaster management have been held (ASEAN, n.d.-b). Ministerial-level meetings provide guidance to the ASEAN Committee on Disaster Management, which is responsible for implementing the work program (ASEAN, n.d.-i; ASEAN, n.d.-j). ASEAN also holds Ministerial-level meetings on the environment (ASEAN, n.d.-g). Climate change and environmentally sustainable cities are identified as two of seven strategic priorities (*ibid.*). Specific subsidiary bodies or working groups have also been established on these themes (ASEAN, n.d.-e). ASEAN's cooperative activities through the climate change working group do not appear to examine human mobility (*ibid.*).

Other notable institutional bodies include the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) (ASEAN, 2018). The ASEAN Intergovernmental Commission on Human Rights (AICHR), which was established in 2009 and to which Member governments nominate their respective representatives, is an integral part of the ASEAN organizational structure and an overarching institution with responsibility for the promotion and protection of human rights in ASEAN (The Intergovernmental Commission on Human Rights (AICHR) & ASEAN, n.d.).

5.2 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION

Established in 1985, the South Asian Association for Regional Cooperation or SAARC comprises the 8 States in the South Asia sub-regional grouping (SAARC, 2020). Objectives articulated in the SAARC Charter for Regional Cooperation include to promote the welfare of the peoples of South Asia; to accelerate economic growth, social progress and cultural development in the region; to promote and strengthen collective self-reliance among the countries of South Asia; to promote active collaboration and mutual assistance in the economic, social, cultural, technical and scientific fields; and to strengthen cooperation on matters of common interests (SAARC, 1985). Cooperation within the SAARC framework must be based on respect for the principles of sovereign equality, territorial integrity, political independence, non-interference in the internal affairs of other States and mutual benefit (*ibid.*, article 2). Bilateral cooperation is not precluded and cooperation within the SAARC framework cannot be inconsistent with bilateral and multi-lateral obligations (*ibid.*, article II(2) & II(3)). Decisions are on an unanimous basis and bilateral and contentious issues are excluded from deliberations (*ibid.*, article X). Mobility is not explicitly referenced in the Charter.

SAARC's Social Charter also contains only a few references to human mobility (SAARC, 2004). A provision on population stabilization obligates States parties to "endeavour to inculcate a culture" in which "internal migration [that] result[s] in excessive population concentration, . . . growing insecurity and violence, environmental degradation and increased vulnerability to disasters would be carefully, diligently and effectively managed" (*ibid.*, article VIII).⁶⁴ In contrast, protecting the integrity and sustainable use of the environment is explicitly mentioned in the principles, goals and objectives (*ibid.*, article II(2)(ii)), as is promoting universal respect for and observance and protection of human rights and fundamental freedoms (*ibid.*, article II(2)(xii)). Indeed, while SAARC's explicitly identified areas of cooperation list tourism and the environment, including disasters, human mobility is not captured.⁶⁵

In 2014, at its 18th Summit, SAARC Heads of State agreed to collaborate and cooperate on "safe, orderly and

62 See (*ibid.*) articles 8 and 15, however, concerning movement of relief goods and services and military personnel.

63 *Ibid.*, articles 20 and 21, respectively. The AHA Centre was launched in 2011 through a specific agreement, which came into force on 7 April 2014 (ASEAN, n.d.-k). Ordinary meetings of the Conference of the Parties (COP) convene once a year.

64 A reference to displaced children is made in article VII(8).

65 Notably, SAARC does not appear to have an MOU with either UNHCR or IOM. Nor are UNHCR and IOM listed as actors with whom SAARC has relations, notwithstanding the lack of an MOU. (SAARC, 2020b).

responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region” (SAARC, 2014). It has been difficult to determine the actions undertaken since 2014 to implement this commitment; it seems an action plan for cooperation related to migration has been finalized as well as a draft of a SAARC Declaration on Labour Migration (SAARC, 2020c).⁶⁶ SAARC has also adopted a Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution, which does not explicitly mention migration, displacement, disasters, climate change or the environment (SAARC, 2002a). Finally, SAARC’s Visa Exemption Scheme, which was launched in 1992, permits 24 categories of “entitled” persons to a special travel document and exempts them from visas within the region (SAARC, 2020e). Entitled persons include parliamentarians, judges, sportspersons, journalists, businessmen, and persons associated with SAARC activities and projects (*ibid.*).

In contrast, the need for regional cooperation on the environment was recognized decades earlier (Das & Bandyopadhyay, 2015; Zafarullah & Huque, 2018). Since then, the need to strengthen and intensify regional cooperation on the preservation and protection of the environment including DRR and the challenges posed by climate change has been reiterated through agreements, declarations, action plans and the establishment of dedicated centers. At various international meetings on the themes, such as the Conference of the Parties to the UNFCCC, SAARC member States have also adopted common positions (Das & Bandyopadhyay, 2015).

The 2010 SAARC Convention on Cooperation on Environment concerns its preservation and sustainable management (SAARC, 2010b). Its scope covers cooperation in exchanging best practices, knowledge, capacity building and transfer of technology in 29 areas, which include climate change, disaster management and the role or impact of human activity. Human mobility is not specifically referenced. In 2011, SAARC also adopted an Agreement on Rapid Response to Natural Disaster, which aims to “provide effective regional mechanisms for rapid response to disasters to achieve substantial reduction in disaster losses in lives . . . and to jointly respond to disaster emergencies through concerted national efforts and intensified regional cooperation based on key principles” (SAARC, 2011). References to human mobility relate predominantly to personnel providing humanitarian assistance.

Notable among the various SAARC action plans and declarations relevant to climate change are the 2008 Dhaka Declaration on Climate Change and the 2010 Thimphu Statement on Climate Change (SAARC, 2008). Neither document mentions human mobility, however both discuss the relevance and importance of adaptation. Pursuant to the Thimphu Statement, member States agree to establish an Inter-governmental Expert Group on Climate Change to develop policy direction and guidance for regional cooperation (*ibid.*), and to commission a SAARC inter-governmental climate-related disaster initiative on the integration of climate change adaptation and DRR to be supported by the SAARC Disaster Management Center (SDMC) (*ibid.*). The SDMC was (re-) established in 2016 by merging four erstwhile centers on related themes. It has a mandate to support member States in, inter alia, DRR, knowledge exchange and best practices, capacity development and collaborative research and regional cooperation to address trans-boundary issues in line with member State priorities and goals, including as reflected in relevant frameworks adopted (SAARC, 2020d).⁶⁷

⁶⁶ In addition, in the field of cooperation on economic, trade and finance, in 2010 SAARC adopted an Agreement on Trade in Services (SATIS), which covers the provision of services through the presence of natural persons, but measures affecting natural persons seeking access to the employment market, citizenship, residence, or employment on a permanent basis are outside its scope (SAARC, 2010a, article 3(4)). Equally, nothing in the agreement precludes States from regulating the entry and stay of natural persons (article 3(5)).

⁶⁷ The actual website of the SDMC has not been accessible during attempts made between September to November 2020. As such, it has not been possible to determine if it is under a new name such as the SAARC Environmental and Disaster Management Centre (SEDMC) and whether migration is discussed as a transboundary issue. For more information on the SDMC, see e.g., (Lamichhane, 2016). SAARC has also adopted a Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, which contains rights-based language, including in relation to child labor. The Convention discusses trafficking in persons. Provisions on regional arrangements note the need to strengthen measures to prevent inter-country abuse and exploitation of children: however, it does not mention migration, displacement, disasters, climate change or the environment explicitly (article V(d)). Nonetheless, States parties “shall encourage and support bilateral and multilateral agreements and cooperation that would have a positive impact on regional and national efforts in facilitating, fulfilling and protecting the rights and well-being of the child” (article VII). See (SAARC 2002b).

Table 6: ASEAN and SAARC and relevant instruments

BODY	BINDING INSTRUMENTS	KEY ACTORS	RELEVANT TO THE FOLLOWING THEMES APPLICABLE TO MOBILITY
ASEAN	2015 ASEAN Convention Against Trafficking in Persons		Migration and displacement
	2012 ASEAN Agreement on the Movement of Natural Persons and Mutual Recognition Agreements		Migration of regular, skilled workers, including engineers, nurses, architects, doctors, dentists, accountants, tourism professionals.
	2005 Agreement on Disaster Management and Emergency Response (AADMER)	ASEAN Committee on Disaster Management (ACDM) and Assistance on Disaster Management (AHA) Center	DRM
SAARC	2012 Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution		Migration and displacement
	2011 Agreement on Rapid Response to Natural Disaster	SAARC Disaster Management Center (SDMC)	DRM
	2010 SAARC Convention on Cooperation on Environment	SAARC Disaster Management Center (SDMC)	No reference to human mobility
	1992 Visa Exemption Scheme		Migration of regular “elite” categories of persons

5.3 THE BALI AND COLOMBO PROCESSES

Co-chaired by Indonesia and Australia, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process) was established in 2002 as a voluntary, inclusive, non-binding forum for policy dialogue, information sharing and capacity building (The Bali Process, n.d.). It has 49 members, including the 18 from Southeast Asia and South Asia, UNHCR, IOM, UNODC and ILO, as well as observer countries and international agencies (*ibid.*).

While the focus is on addressing irregular migration within the Asia Pacific region, the Declaration stemming from the 2016 Ministerial Conference contains notable references to protection concerns and vulnerable groups, although it does not explicitly mention disasters or climate change (The Bali Process, 2016). The Declaration recognizes the need to address root causes of irregular movements and forced displacement, the importance of burden sharing and collective responsibility for a comprehensive regional approach, and the need to enhance safe and orderly migration pathways including for migrant workers to provide an alternative to dangerous irregular movements (*ibid.*). Reaffirming commitments to applicable legal obligations, the Declaration “encourage[s] members to identify and provide safety and protection to migrants, victims of human trafficking, smuggled persons, asylum seekers and refugees, whilst addressing the needs of vulnerable groups including women and children, and taking into account prevailing national laws and circumstances” (*ibid.*). It recognizes the need “to grant protection for those entitled to it, consistent with relevant international legal instruments” and to strictly respect the principle of *non-refoulement* in all cases (*ibid.*).⁶⁸ These commitments were reaffirmed in the 2018 declaration (The Bali Process, 2018).

The Regional Consultative Process (RCP) on the Management of Overseas Employment and Contractual Labor for Countries of Origin in Asia (the Colombo Process) was established in 2003 as a non-binding and informal forum to facilitate dialogue and cooperation on issues of common interest and concern relating to labor mobility (Colombo Process, n.d.-a). Eleven of its 12 members are from the two sub-regions; with the exception of Bhutan and the Maldives, the other six countries from South Asia are joined by Cambodia, Indonesia, the Philippines, Thailand and Viet Nam from Southeast Asia, as well as China (Colombo Process, 2017). Since its inception, the Colombo process has evolved around three key areas: the protection and provision of services to migrant workers; optimizing the benefits of organized labor migration; and capacity building, data collection and inter-state cooperation (Colombo Process, n.d.-b).

⁶⁸ It also “encourage[s] member States to explore potential temporary protection and local stay arrangements for asylum seekers and refugees.”

The Declaration stemming from the fourth Ministerial conference in Dhaka (Dhaka Declaration) recommended further exploration of “the possible nexus between environmental degradation and climate change on one hand and human mobility on the other, and its likely implications on labour migration” (Colombo Process, 2011). It also recommended the development of “appropriate policy and institutional response capacity to mitigate the impact of emergency situations on migrant workers, including ensuring their safety, security and well-being, as well as early evacuation [and] repatriation” (*ibid.*). The next Ministerial declaration, adopted in 2016 in Colombo (Colombo Declaration), requested senior officials to provide recommendations to develop an appropriate collective preparedness mechanism to address the safety, welfare and consular needs of migrant workers from member States during emergency situations, including disasters and conflicts in destination and transit countries (Colombo Process, 2016b).

This subsection has provided an overview of ASEAN and SAARC instruments on human mobility and on disasters, the environment and climate change. While the sub-regions have engaged in some intra-regional cooperation on migration, particularly as it relates to labor mobility, engagement on movements in the context of environmental change appears limited. Emphasis has been placed on addressing DRR, DRM and on the preservation of the environment, including through the adoption of binding agreements and the establishment of dedicated bodies. Meanwhile, the Bali and Colombo processes, which gather a larger set of members in consultative dialogues related to human mobility, appear to recognize protection concerns, and in the case of the Colombo Processes, also in situations of disaster, climate change and environmental degradation.

6. NORMS AND COUNTRY CASE STUDIES

Whereas the preceding section discussed regional bodies, instruments and processes, this section attempts to identify and categorize relevant norms according to movements associated with hazards, disasters and environmental degradation in Southeast Asia and South Asia. Displacement, migration and planned relocation are discussed in turn. With respect to displacement and migration, norms relevant to internal and cross-border movements are discussed. With respect to planned relocation, only internal movements are discussed. A brief discussion of DRR is also included as interventions in this field are particularly important for mitigating risks, preventing and minimizing displacement, promoting adaptive movements, and supporting resilience and stay within countries, including in places of origin. Each subsection begins by briefly noting global level norms and proceeds to identify regional norms, ahead of a discussion of national laws and policies. Case studies are interspersed. International human rights law is applicable to all of these dimensions but is not discussed at any length in this paper.

6.1 NORMS APPLICABLE TO INTERNAL AND CROSS-BORDER DISPLACEMENT

A. Internal Displacement

The 1998 UN Guiding Principles on Internal Displacement is the authoritative global instrument addressing prevention, protection and assistance and solutions for internal displacement associated with disasters. A binding or non-binding regional or sub-regional equivalent does not exist. Aside from Indonesia, none of the other nine countries in Southeast Asia have adopted a specific national law or policy on internal displacement.⁶⁹ In South Asia, at least six of the eight countries have adopted national policies related to internal displacement (Global Protection Cluster, n.d.). The policies of five countries reference displacement associated with disasters, while two also reference climate change (Scott & Salamanca, 2021). These instruments, which are listed in table 7, should be analyzed to evaluate substantive and procedural dimensions.

⁶⁹ This conclusion is based on (Global Protection Cluster, n.d.). It is unclear when this database was last updated. Accordingly, the conclusions in this paper may need to be reviewed. Information on Indonesia’s policy was gathered from (Scott & Salamanca, 2021).

Table 7: National IDP laws and policies in Southeast Asia and South Asia⁷⁰

COUNTRY	LAW OR POLICY	DISASTER REFERENCED
Indonesia	Indonesia 2018 Head of National Disaster Management Agency Regulation No. 03/2018 on the Handling of Internally Displaced Persons during Emergency Response	Yes ⁷¹
Afghanistan	2013 National Policy on Internally Displaced Persons	Yes
	2017 Policy Framework for Returnees and IDPs	Not explicitly
Bangladesh	2020 National Strategy on Internal Displacement ⁷²	Yes (and also climate change)
India	2004 National Policy on Resettlement and Rehabilitation for Project Affected Families	No
	2007 National Rehabilitation and Resettlement Policy	No
Nepal	2007 National Policies for Internally Displaced Persons	Yes
Pakistan	2001 Policies on the Handling of Internally Displaced Persons/Refugees in Indonesia	No
Sri Lanka	2016 National Policy on Durable Solutions for Conflict-Affected Displacement	Yes (and also climate change)

In addition, there may be merit in analyzing the extent to which internal displacement is addressed in other non-internal displacement specific domestic laws and policies, as well as pertinent sub-national instruments.⁷³ For instance, the Philippines has not adopted a specific law or policy on internal displacement. Prior efforts to adopt such a law failed, although attempts have been reinvigorated recently (Weerasinghe, forthcoming). While the Philippines addresses displacement through a DRM framework (Republic Act No. 10121), there are also national legal and policy instruments that address different aspects of internal displacement (Weerasinghe, forthcoming; Scott & Salamanca, 2021). Understanding national and sub-national instruments applicable to evacuations will also be important, as new displacement estimates in the sub regions, including the Philippines, Bangladesh and India, relate not only to spontaneous flight but also government ordered or recommended pre-emptive evacuations.

The dynamics in Afghanistan reflect an important characteristic of internal displacement in Southeast Asia and South Asia. In these sub-regions, many countries—three in Southeast Asia and five in South Asia—experience both conflict and disaster-related internal displacement. In some of these countries, both conflict and disaster may overlap geographically and interact as drivers or triggers of displacement. In Afghanistan both triggers are captured in the applicable national policy and therefore it is presented here as a case study.

Policies for addressing internal displacement in Afghanistan

While displacement associated with conflict and violence has been a norm in Afghanistan since the late 1970s, the country is also prone to multiple natural hazards, including flooding, droughts, earthquakes, storms and avalanches. Nearly all of Afghanistan’s provinces have been affected by at least one disaster in the past 30 years (Mena et al., 2019), and approximately 250,000 people are affected by disasters each year (USAID, 2019). In many provinces, conflict, violence and hazards overlap and the drivers of “displacement are usually complex and cumulative” (OCHA, 2019). Based on a whole of Afghanistan assessment from 2019, “56 per cent of IDP households reported a combination of active conflict, anticipated conflict, and natural disaster (slow or sudden onset) caused their displacement” (*ibid.*). Many Afghans face secondary or multiple displacements (*ibid.*; Ministry of Refugees and Repatriation, Afghanistan, 2013, pp.14-15). Disasters affect people who have endured conflict and violence (Human Rights Council, 2017). Some IDPs, particularly those who have been affected by floods may return to origin areas after relatively short periods, while many, particularly people who have fled in the context of conflict, remain displaced for years (Ministry of Refugees and Repatriation, Afghanistan, 2013; National Legislative Body, Afghanistan, 2017; Human Rights Council, 2017). Almost 3 million people remained in displacement in the context of conflict and violence at the end of 2019, while an estimated 1.2 million people remained displaced in the context of disasters (Internal Displacement Monitoring Centre (IDMC), 2020a).

⁷⁰ This table has been compiled based on (Global Protection Cluster, n.d.; and Scott & Salamanca, 2021).

⁷¹ See e.g., (Scott & Salamanca, 2021, p.36) Scott and Salamanca explain that this instrument is only available in Bahasa Indonesia.

⁷² On file with the author.

⁷³ For instance, Scott and Salamanca indicate that some countries, including the Philippines and Nepal address internal displacement in other national instruments (2021).

In 2013, Afghanistan adopted a National Policy on Internally Displaced Persons (Ministry of Refugees and Repatriation, Afghanistan, 2013). At the outset, the policy acknowledges the cumulative impacts of conflict and natural hazards on people in Afghanistan, recognizes conflict and disaster *inter alia* as triggers of displacement, and notes the complexity in interactions and the difficulties in disentangling them. A contextual overview acknowledges that conflict-affected populations living in emergency conditions may also face disasters and underlines the need for a unified approach by all levels of governments with support from humanitarian actors. The definition of “IDPs” captures diverse triggers including conflict, generalized violence and “natural or human-made disasters” (*ibid.*). The definition of “Internal displacement” captures “involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state borders” (*ibid.*). The policy contains rights-based language, explicitly references DRR concepts, reemphasizes application regardless of the trigger of displacement and includes specific sub-chapters dedicated to prevention in the context of conflict and disaster. Returnees are encompassed under the definition of IDPs.

Implementation has proved challenging for a range of reasons, however, and it appears that the policy has remained a neglected resource (Sandri, 2018). While the policy is recognized as a robust, authoritative instrument, it has “suffered from slow implementation, uneven government commitment and institutional understanding, and limited capacity to operationalize” (*ibid.*, p.5).

In 2017, Afghanistan also adopted a Policy Framework for Returnees and IDPs with an emphasis on conflict and violence (National Legislative Body, Afghanistan, 2017). It aims to “minimize the time returnees and IDPs spend in transitional arrangements, and to encourage their active participation in the identification of long term, sustainable solutions that promote their self-reliance and development” (*ibid.*).⁷⁴ While the policy framework applies to “all returnees who are determined to be citizens of Afghanistan and to internally displaced Afghans,” (*ibid.*) it does not reference disaster explicitly.⁷⁵

A Presidential Decree adopted in 2018 seeks to improve access to State land and adequate housing to support durable solutions for returnees and IDPs (Regarding Decree 305, 2018).⁷⁶ On its face, the decree is applicable to both conflict and disaster IDPs and no explicit distinctions are made in the instrument. However, to be eligible, IDPs are required to demonstrate five years of continuous displacement, which is challenging for those displaced in the context of disasters.

At the operational level, governments bear the primary responsibility to protect and assist people displaced within their countries in the context of disasters. In practice, international and domestic humanitarian actors, including intergovernmental and non-governmental organizations, play important roles. In seven countries in South Asia and Southeast Asia – Afghanistan, Bangladesh, Cambodia, Indonesia, Myanmar, Pakistan and the Philippines, UN-coordinated humanitarian operations, including UN clusters, support government responses to disasters (OCHA, n.d.). In some of these countries, the UN presence, the breadth and scope of clusters and international operations, is more extensive than in others (*ibid.*).⁷⁷

B. Cross-border Displacement

An overarching global-level instrument addressing admission, stay and rights for people displaced across international borders in the context of disasters and adverse effects of climate change does not exist. As such, conceptual clarity and consensus on who constitutes a “disaster displaced person” and how to determine when a cross-border movement could be characterized as forced for the purposes of international law is elusive. In 2015, the Nansen Initiative articulated essential elements for consideration (The Nansen Initiative, 2015).⁷⁸ In general, international human rights law and refugee law offer limited scope for supporting admission and stay (McAdam & Weerasinghe, 2020).⁷⁹ Accordingly, migration frameworks have been critical. States have used ad hoc (and discretionary) interventions, as well as special dispensation related to extant bases in law, to admit, suspend return and/or permit (temporary) stay, although practice from South Asia and Southeast Asia is limited (The Nansen Initiative, 2015).⁸⁰ As noted above, within ASEAN and SAARC systematic engagement on forced

⁷⁴ Paragraph 12; see also paragraphs 13-15 setting out other general policy objectives.

⁷⁵ The 2017 Policy Framework does, however, cross reference the 2013 National Policy on Internally Displaced Persons.

⁷⁶ Unofficial translation of original presidential decree on file with author, please see noted Ministerial Statement for reference to document and its adoption.

⁷⁷ See operations in Afghanistan as compared to Indonesia. More information about the ways in which UN actors, including cluster operations support governments in Afghanistan, Bangladesh, Cambodia, Indonesia, Myanmar, Pakistan and the Philippines can be found at the same site, including through a review of annual Humanitarian Response Plans.

⁷⁸ The Protection Agenda identifies factors to consider for establishing criteria to identify cross-border disaster-displaced persons for the purposes of providing protection and assistance.

⁷⁹ Although the prohibition on sending people to places where they face a real risk of being arbitrarily deprived of their lives or subjected to inhuman or degrading treatment provides some potential. See (McAdam, 2020). People subjected to the interactions between conflict and disaster and overlapping shocks may also have greater scope to argue the applicability of refugee and human rights law. See (Weerasinghe, 2018).

⁸⁰ As noted earlier, there are more robust developments particularly in Latin America.

movements has been limited, let alone cross-border displacement in the context of disasters. The sub-regions do not have temporary protection schemes that explicitly address cross-border displacement in disaster contexts.

The mixed nature of flows within the sub-regions means it may be difficult to identify people displaced in the context of disasters within larger movements. While evidence on the incidence of States supporting admission and (temporary) stay in the aftermath of disasters is limited, sub-regional States have cooperated to evacuate and repatriate their and other States' citizens caught in crises in destination or transit countries.⁸¹ The Migrants in Countries in Crisis (MICIC) Initiative developed global Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (Migrants in Countries in Crisis Initiative (MICIC), n.d.-a). At the sub-regional level, ASEAN and the Colombo Process have recognized the importance of addressing this form of displacement. For example, the Dhaka Declaration stemming from the Colombo Process recommended the development of policy and institutional response capacity to mitigate the impact of emergency situations on migrant workers, including their evacuation and repatriation. The Colombo Declaration requested senior officials to provide recommendations to develop collective preparedness to address the needs of migrant workers affected by disaster and other emergency situations in destination and transit countries (Colombo Process, 2011, 2016b).

Protecting Filipino migrant workers affected by disasters in destination countries

In the Philippines, international labor migration is ubiquitous, an enduring feature since the 1970s. The Philippines is generally among the top countries of origin of international migrants. (International Organization for Migration (IOM), 2019) Millions of Filipino migrant workers (Overseas Filipino Workers (OFWs)) live and work in many countries and territories around the world. In their destinations, Filipinos work in diverse sectors, including healthcare, construction, seafaring, entertainment and domestic work: in essence within the so-called “skilled” and “low-skilled” sectors. The United States, Australia, Canada and countries in the Middle East and Asia are key destinations (*ibid.*; Organization for Economic Co-operation and Development (OECD) & Scalabrini Migration Center, 2017; Colombo Process, 2016a). While men and women represent significant proportions of OFWs, “since 1992, females have generally outnumbered men among the newly hired land-based workers legally deployed every year” (Asis, 2017). Irregular labor migration from the Philippines is also significant, but difficult to accurately estimate given the nature of the phenomenon; Malaysia is a prominent destination (OECD & Scalabrini Migration Center, 2017). The Philippines is consistently among the top countries of recipients of remittances (IOM, 2019; OECD & Scalabrini Migration Center, 2017). Environmental factors play a role in some Filipinos' decisions to work overseas as it permits families with farming and agriculture-based livelihoods to diversify their income (*ibid.*).

Given the scale of labor migration and its potential benefits, the sector has received specific policy attention. Heightened interest in promoting international labor migration and in the welfare of OFWs has meant that the Philippines government has fostered a “dual approach of facilitation and protection”; although over the years the emphasis has tilted and swayed based on political leadership (*ibid.*; Asis, 2017). The institutional, legal and policy architecture applicable to migrant labor is extensive and governs diverse aspects and phases of the mobility cycle (*ibid.*; Asis, 2017). In addition, the Philippines have concluded bilateral MOUs with over 20 countries or territories (Colombo Process, 2016a). A number of government institutions are engaged in the international labor migration cycle from pre-departure, departure and stay to return and reintegration; these include the following (*ibid.*): (1) the Department of Labour and Employment (DOLE);⁸² (2) the Philippines Employment Administration (POEA);⁸³ (3) the Overseas Welfare Administration (OWWA);⁸⁴ (4) the National Reintegration Centre for OFWs;⁸⁵ (5) the Technical Education and Skills Development Authority;⁸⁶ and (6) the Commission of Filipinos Overseas (CFO).⁸⁷

81 However, identifiable examples involving States from the two sub-regions relate to conflict situations.

82 DOLE formulates and implements policies and programs, and services as the policy-advisory arm of the Executive Branch in the field of labor and employment, see (Department of Labor and Employment (DOLE), n.d.-a).

83 POEA promulgates and implements policies and programs and regulates recruitment, accredits foreign employers, documents OFWs, adjudicates recruitment or employment conflicts and negotiates bilateral agreements. See (Philippine Overseas Employment Administration (POEA), n.d.; Colombo Process, 2016a) for details.

84 OWWA is an OFE membership institution attached to DOLE. It administers the Welfare Fund to protect and promote welfare of OFWs and their dependents through its overseas posts and regional presence (Overseas Workers Welfare Administration (OWWA), n.d.a; Colombo Process, 2016a).

85 The center manages, coordinates and implements national reintegration programs for OFWs (Department of Labor and Employment, n.d.-b; Colombo Process, 2016a).

86 The authority provides direction, policies, programs and standards towards quality technical education and skills development (Republic of the Philippines, n.d.b; Colombo Process, 2016a).

87 The CFO promotes programs and policies to strengthen and empower permanent Filipinos overseas (Republic of the Philippines, n.d.c; Colombo Process, 2016a).

In addition to addressing “traditional” protection concerns arising in the context of labor migration, such as working conditions, recruitment and contractual practices, the Philippines’ policy, institutional and operational frameworks have paid attention to the plight and welfare of OFWs caught in destination countries experiencing crises, such as disasters and conflict. Beyond addressing the protection of migrant workers during all stages of the migration process, Philippines laws and policies also cover assistance to migrants in “distress” (Republic Act No. 8042, 1995; Republic Act No. 10022, 2009).

Operationally, pre-departure orientation and counseling programs as well as post-arrival seminars undertaken by embassies and consulates provide information and tools applicable in the event of an emergency (OWWA, n.d.b; MICIC, n.d.-b). The Office of the Undersecretary for Migrant Workers Assistance within the Department of Foreign Affairs is responsible for the repatriation of OFW in crisis situations and the protection of overseas Filipinos are considered “the highest priority” (OECD & Scalabrini Migration Center, 2017). Inter-agency coordination is mandated by law in a number of areas, including in relation to assistance to overseas Filipinos through Migrant Workers and Overseas Filipinos Resources Centers and in the reintegration of OFWs (OECD & Scalabrini Migration Center, 2017). The Philippines has also established an Overseas Preparedness and Response Team, comprised of representatives of several ministries, to develop inter alia destination-specific contingency plans in the context of disasters and other crises (Executive Order No. 34., 2011). Emergency repatriation is carried out in the event of need and may include “airport assistance, temporary shelter, counseling, and transport services or fares to provinces” (OWWA, n.d.c). While many examples relate to situations of conflict or civil unrest and more recently, the COVID-19 pandemic (Liao, 2020), the Philippines has also undertaken repatriations in the context of disaster (Embassy of the Republic of the Philippines, Tokyo, Japan, 2011; Republic of the Philippines, 2011).

6.2 NORMS APPLICABLE TO INTERNAL AND INTERNATIONAL MIGRATION

A. Internal Migration

As noted earlier, migration within countries may be influenced by the impacts of progressive degradation of the environment and the adverse effects of climate change on livelihoods, essential resources and living conditions. Environmental considerations are one of a number that influence individual and household decisions to migrate. Rights to freedom of movement and residence mean citizens are generally able to move freely within countries unhindered by bureaucratic restrictions and unchallenged by authorities. In this context, and in general, normative instruments do not specifically focus on internal migration. Domestic laws and policies that facilitate and regulate internal migration will be relevant to the inquiry. International human rights law also articulates relevant rights and freedoms, although countries in Southeast Asia and South Asia have a mixed ratification record, notwithstanding ASEAN and SAARC instruments paying heed to these ideals.

Norms and frameworks applicable to addressing planned and sustainable urbanization, resilience and development are applicable to addressing internal migration (and internal displacement, which was discussed in the previous section). As noted earlier, while natural population increase (the difference between births and deaths) has played a significant role in urbanization in the Asian continent, internal migration and displacement have also contributed to the shift. An examination of census data for each country in Southeast Asia and South Asia may provide greater insights on the proportionate increases stemming from such movement.

With an estimate of 2.3 billion, Asia had the highest number of people living in urban areas in 2018; this figure is projected to reach 3.5 billion by 2050 (UNDESA, 2019a). Equally, in 2018, Asia had a similar number of people (2.3 billion) living in rural areas (*ibid.*). In this context, international and regional frameworks, and domestic regulations addressing informal and temporary settlements, unsafe housing, insecure land tenure and title, access to basic services and systems and DRM will be particularly important for promoting sustainable urban growth and durable prospects that mitigate risks of secondary displacement or maladaptive migration (Peters & Lovell, 2020). At the same time, promoting adaptation in situ in both rural and urban areas also requires resilience and development interventions that accommodate local level land, environmental and natural resource challenges (UNESCAP, 2013).⁸⁸

The 2010 Cancun Adaptation Framework invited member States to the UNFCCC to undertake measures to enhance understanding, coordination and cooperation with regard to climate change induced migration, displacement and planned relocation at national, regional and international levels (UNFCCC, 2011). This includes facilitating internal migration as a form of adaptation. The reviewed ASEAN and SAARC documents have only minimally

⁸⁸ For a discussion on normative frameworks applicable to urbanization and development, see (UNESCAP, 2013).

addressed this aspect, however. In this context, domestic laws and policies on climate change and the environment that expressly reference internal migration may be a point of reference for building knowledge on applicable normative and policy environment. As highlighted in table 8, almost all countries in the two sub-regions have instruments concerning the environment or climate change, and some countries have submitted National Adaptation Programmes of Action (NAPAs) under the UNFCCC framework. Understanding whether such laws, policies and NAPAs discuss internal migration and other forms of human mobility may provide insights on how the 18 countries consider and facilitate movements in the context of disasters, climate change and environmental degradation.⁸⁹

For instance, Cambodia and Myanmar’s NAPAs mention internal migration in the context of climate change and variability (Ministry of Environment, Cambodia, 2006; National Environmental Conservation Committee, Myanmar, 2012). The Philippines National Framework Strategy on Climate Change 2010 – 2022 includes a brief discussion of migration trends (Climate Change Commission, Philippines, n.d). Pakistan’s Framework for Implementation of Climate Change Policy (2014-2030) developed pursuant to Pakistan’s National Climate Change Policy includes “increased health risks and climate change induced migration” among a list of nine important climate change related “threats” to the country (Climate Change Division, Pakistan, 2013). A section discussing adaptation and mitigations actions on urban planning includes a strategy to develop infrastructure and support facilities in smaller towns and periphery urban areas to “check” or “discourage” rural to urban migration (*ibid.*).

Table 8: NAPAs, NAPs, climate change and DRR/DRM laws and policies

COUNTRY	NATIONAL ADAPTATION PROGRAMMES OF ACTION (NAPA) ⁹⁰	NATIONAL ADAPTATION PLANS (NAP) ⁹¹	ENVIRONMENT OR CLIMATE CHANGE LAW OR POLICY ⁹²	DRR OR DRM-SPECIFIC LAW OR POLICY ⁹³
Brunei Darussalam	-	-	-	-
Cambodia	Yes (2007)	-	Yes	Yes
Indonesia	-	-	Yes	Yes
Lao PDR	Yes (2009)	-	Yes	Yes
Malaysia	-	-	Yes	-
Myanmar	Yes (2013)	-	Yes	Yes
Philippines	-	-	Yes	Yes
Singapore	-	-	Yes	-
Thailand	-	-	Yes	Yes
Viet Nam	-	-	Yes	Yes
Afghanistan	Yes (2009)	-	Yes	Yes
Bangladesh	Yes (2005 and updated 2009)	-	Yes	Yes
Bhutan	Yes (2006)	-	Yes	Yes
India	-	-	Yes	Yes
Maldives	Yes (2008)	-	Yes	Yes
Nepal	Yes (2010)	-	Yes	Yes
Pakistan	-	-	Yes	Yes
Sri Lanka	-	Yes (2016)	Yes	Yes

B. International Migration

The Cancun Adaptation Framework’s invitation to coordinate and cooperate on facilitating migration as a form of adaptation, and the Nansen Initiative Protection Agenda’s reiteration to secure pathways for migration abroad in exceptional circumstances, have heightened discourse on the use of migration pathways for such purposes. As highlighted earlier however, there is little regional engagement on human mobility associated with climate change

⁸⁹ In addition, it may also be valuable to review States’ (Intended) Nationally Determined Contributions (NDCs).

⁹⁰ The responses in this column of the table are based on a review of (UNFCCC, n.d.b). NAPAs essentially set out State-based priorities on adaptation.

⁹¹ The responses in this column are based on a review of (UNFCCC, n.d.a), NAPs are State commitments on climate change adaptation. Few countries have submitted NAPs, but this does not mean that the same countries do not have NAPAs (as reflected in the table) or other forms of climate change adaptation strategies, plans or programs of work. In addition, it may also be valuable to review States’ Nationally Determined Contributions.

⁹² The responses in this column are based on a review of (Grantham Research Institute on Climate Change and the Environment, n.d.).

⁹³ The responses in this column are based on a review of Climate Change Laws of the World (*ibid.*) and a review of the “Mapping the Baseline” excel spreadsheet developed and finalized in 2018, on file with the author.

and environmental degradation within SAARC or ASEAN. In these sub-regional bodies, efforts have generally focused on addressing labor migration, trafficking and smuggling or irregular movements as well as protection concerns that arise in such contexts. Some regional mechanisms relate predominantly to so-called “skilled” or “entitled” categories of workers. Any references to the influence of climate change on mobility has generally been considered through the lens of labor mobility as reflected for instance in the Dhaka Declaration stemming from the Colombo Process (Colombo Process, 2011). It may be valuable to follow the evolution of these explorations, which has been difficult to ascertain through desk research.⁹⁴

In the absence of overarching agreements, migration is generally managed bilaterally. Some countries provide visa-free entry and stay for selected non-citizens. For instance, India permits citizens of Nepal and Bhutan to enter and stay in its territory for an unlimited period of time (Ministry of External Affairs, India, n.d.; Immigration and Refugee Board of Canada, 2014). The 1950 Treaty of Peace and Friendship between the Government of India and the Government of Nepal may in fact allow citizens of both countries to cross the India-Nepal border without official documents (Immigration and Refugee Board of Canada, 2014). In addition, the 2006 ASEAN Framework Agreement on Visa Exemption requires member States to exempt citizens of other ASEAN member States holding a valid passport and traveling for visitation purposes, from visa requirements for a period of 14 days. This Agreement provides a framework for member States to negotiate and conclude separate bilateral agreements, which may also extend the period of stay (Ministry of Foreign Affairs, Singapore, 2018). Certain countries such as Thailand and Myanmar have signed visa free agreements (Sattha & Kamjan, 2015). Bi-lateral agreements and visa-free entry for the countries in the two sub-regions should be examined comprehensively to understand options for people who migrate (or displace) in the context of disasters, climate change or environmental degradation.

With the adoption of new global instruments such as the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees in 2018, and the various global and regional apparatus dedicated to their implementation, there may be merit in evaluating whether consequent and notable shifts in sub-regional State practice occur (United Nations General Assembly, 2018a; 2018b). In particular the GCM discusses disasters, climate change and environmental degradation in multiple provisions; it recognizes the significance of regular migration pathways for offering safe options for affected people, including as a way to adapt to disasters and adverse effects of climate change (*ibid.*). It also notes the merits of building on existing national and regional practices for admission and stay for migrants compelled to leave countries of origin due to disasters to realize commitments under the GCM (*ibid.*).

6.3 NORMS APPLICABLE TO INTERNAL PLANNED RELOCATION

Following the reference to “planned relocation” in the Cancun Adaptation Framework, the relevance of planned relocation was also recognized in the Nansen Principles, and the Nansen Initiative Protection Agenda (Norwegian Refugee Council (NRC) & IDMC, 2011; The Nansen Initiative, 2015).⁹⁵ Notably, the relocation of human settlements was included in the 2015–2030 Sendai Framework for Disaster Risk Reduction (Sendai Framework for DRR) as a means to reduce disaster risk (United Nations General Assembly, 2015).⁹⁶ Planned relocation is not defined under international law. At the operational level, the Inter-Agency Standing Committee has defined permanent relocations.⁹⁷ Meanwhile, intergovernmental and expert collaboration has produced an expert definition, normative Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation, as well as an accompanying Toolbox.⁹⁸ The Guidance comprises seven substantive sections, including a set of overarching principles, which recognize planned relocations as complex, multidimensional processes, generally to be used as a measure of last resort when other risk reduction options are exhausted or unviable.⁹⁹ A regional normative instrument on planned relocation does not exist.

As table 5 demonstrates, the vast majority of countries in Southeast Asia and South Asia have undertaken planned relocation. Each domestic situation should be examined to determine the normative landscape that underpinned such movements and to ascertain associated challenges. In addition, a review of the documents submitted under

94 Examining sub-regional State statements and engagement in the context of notable forums, such as the Global Forums on Migration and Development (GFMD) may also be valuable.

95 The Chairperson’s Summary articulated the need for a rights-based approach to planned relocation and the need to better understand its potential.

96 Disaster risk is defined as “the potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity.” (UNDRR, 2017a).

97 Permanent relocations are defined as “The act of moving people to another location in the country and settling them there when they no longer can return to their homes or places of habitual residence. Relocations can be voluntary, i.e. with the consent of affected persons, or forced, i.e., against the will of such persons. Relocation is only successful if it leads to a durable solution” (The Brookings-Bern Project on Internal Displacement, 2011).

98 Definition noted in (UNHCR, 2015; UNHCR, 2017). The Toolbox (UNHCR, 2017) identifies concrete practical suggestions for States and other actors, focusing on key crosscutting elements identified from past practices.

99 The definition emphasizes protection and the critical objective of ensuring people are provided with the conditions to rebuild lives and places the overarching process under the authority of the State, highlighting the State’s primary responsibility in providing for these outcomes.

the UNFCCC process by States (as listed in table 8) may provide insights on the extent to which they engage on different forms of mobility, including planned relocation. The prevalence of relocation in the sub-regions suggests a need for robust engagement on this dimension. Viet Nam has undertaken large-scale relocations in the context of flooding and is highlighted here.

Relocation in the context of floods in Viet Nam

An estimated 70 per cent of Viet Nam's population live in coastal areas and low-lying deltas (Bangalore et al., 2019). The country is highly exposed to hazards, including riverine and coastal flooding (*ibid.*). Climate change is expected to substantially increase exposure (*ibid.*). Viet Nam is also highly vulnerable to sea-level rise and saline intrusion (Chun, 2015). A one-meter increase in sea levels may partially inundate 11 per cent of the population and seven per cent of agricultural land (Bangalore et al., 2019).

In the low-lying floodplains of the Mekong Delta, home to over 18 million people, the predictable ebb and flow of floods have been crucial to agricultural production (Chun, 2015). However, over the past decades, flooding has become more severe and frequent, affected hundreds of thousands of people, and damaged rice fields and crops (*ibid.*). To manage and address flood exposure, the Vietnamese government has used relocation (Chun, 2019; Anh et al., 2016).

With respect to internal and international mobility, the “legal, policy and administrative framework [in Viet Nam has been described as] nebulous and spread across various government agencies and legal documents” (*ibid.*). Some national instruments shed light on pertinent aspects. For instance, the scope of Viet Nam's 2013 Law on Natural Disaster Prevention and Control covers prevention and control activities; rights and obligations of relevant actors, including households and individuals; and the State management and assurance of resources for prevention and control (The Law on Natural Disasters Prevention and Control, 2013). There are two explicit references to relocation. A provision on “State policies on disaster prevention and control” notes the need to relocate people living in dangerous areas to safe areas (*ibid.*, article 5(3)). Another on the “Contents of natural disaster prevention” requires the review and elaboration of plans to relocate people in high disaster risk areas (*ibid.*, 13(5)).¹⁰⁰

Viet Nam's National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020 is the national policy framework for disaster management. Its overall goal is to mobilize resources to effectively implement disaster prevention, response and mitigation to minimize loss of life, damage to natural resources and the degradation of the environment inter alia and thereby contribute to the country's sustainable development, national security and defense (National Strategy for Natural Disaster Prevention, 2007). Disaster prevention, response and mitigation are regarded as joint actions of the government and citizens and in this context State, community and other resources are to be effectively utilized (*ibid.*, article 1(I)(3)). One of its nine objectives specifically addresses relocation of people for environmental reasons.¹⁰¹

Research suggests that in Viet Nam relocation is also seen as a means to reduce poverty; targeted populations for relocation include those from “highly disadvantaged areas’ ... border areas ... and nomadic people” and as such “relocation serves multiple purposes for the government, [including] disaster risk reduction ... and climate change adaptation.”¹⁰² In this context “living with floods” is part of Viet Nam's disaster mitigation strategy (Chun 2019). Implementation of Viet Nam's flood-associated relocation policies appears to have produced mixed results, and there is evidence of negative socio-economic outcomes for relocated persons (Chun, 2019; IOM, 2017; Anh et al., 2016).

6.4 NORMS APPLICABLE TO DISASTER RISK REDUCTION

In policy discourse on human mobility, the importance of supporting and enabling people to stay where they live by reducing vulnerability and exposure and by building resilience is increasingly acknowledged. Notably, in policy discourse on DRR, including the Global Platforms for DRR, risks of displacement are also beginning to be acknowledged.¹⁰³ For instance, at the global level, the highly authoritative, voluntary and non-binding Sendai Framework for DRR contains notable references to human mobility (United Nations General Assembly, 2015). It seeks to substantially reduce disaster risk and losses through the prevention of new, and the reduction of existing, disaster risk. The preamble acknowledges displacement is one of the devastating effects of disasters. It mentions migrants as a relevant stakeholder. The multiple references to different forms of human movement throughout the instrument also reflect the fact that both displaced persons and migrants are encompassed within its global targets.¹⁰⁴

¹⁰⁰ In addition, while evacuation is mentioned in multiple provisions of this law, there is only one reference to displacement and no references to migration. Climate change is also referenced.

¹⁰¹ “Complete the relocation, arrangement and stabilization of the life for people in disaster prone areas according to the planning approved by authorized government agencies. Up to 2010, manage to relocate all population from flash flood and land slide high-risk areas and dangerous areas to safety places.” (*Ibid.*, article 1(III)(2)(d)).

¹⁰² Other applicable instruments are noted in (Chun, 2019; IOM, 2017, pp.23-31).

¹⁰³ The next Global Platform on DRR is scheduled to occur in Bali, Indonesia in 2022.

¹⁰⁴ For example, target B aims to substantially reduce the number of affected people globally by 2030 and directly affected people include those who have been evacuated, displaced or relocated. Meanwhile, target E aims to substantially increase the number of countries with national and local DRR strategies by 2020. For further information, see e.g., (UNDRR, 2017b; UNDRR, n.d.).

Since the adoption of the Sendai Framework for DRR, displacement has been referenced in the outcome documents adopted at the 2017 and 2019 Global Platforms for DRR. The Chair's Summary from the 2017 Platform recognizes the importance of addressing displacement, including through risk assessments and disaggregated data to better understand disaster risk (Global Platform for Disaster Risk Reduction, 2017). Given the priority to align DRR strategies with the Framework, the summary also highlighted that “[t]he development of disaster risk reduction strategies should consider regional and cross-border perspectives and include provisions that aim to prevent displacement attributed to disasters and reduce displacement risk, address the protection needs of displaced people and promote durable solutions to displacement” (*ibid.*). Under a section addressing coherence with sustainable development and climate change agendas, the Chair's Summary also highlighted the importance of including “disaster risk considerations when addressing questions concerning migration, displacement, refugees and human mobility” (*ibid.*).¹⁰⁵ The Co-Chairs' Summary from the 2019 Global Platform for DRR also referenced displacement in multiple provisions, including by stating that:

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. Climate change mitigation policies are necessary towards this end. Climate and disaster risks also need to be considered as factors of migration (Global Platform for Disaster Risk Reduction, 2019).

As the earlier discussion on ASEAN and SAARC demonstrates, with respect to disasters, climate change and environmental degradation, DRR and DRM have been relatively prominent areas of sub-regional discourse and engagement. Both ASEAN and SAARC have adopted binding agreements and established pertinent institutions. Table 8 also demonstrates that 16 of the 18 countries in Southeast Asia and South Asia, with the exception of Brunei and Singapore, have adopted a domestic law or policy on DRR or DRM.

These national and sub-regional commitments have been reinforced at the continental level. The Ulaanbaatar Declaration, adopted at the Asian Ministerial Conference on DRR in 2018, expresses deep concern at the continuing impacts of disasters in the region, including the recurrent loss of lives and livelihoods and displacement (UNDRR, 2018). It calls on all governments and other stakeholders to ensure “a human rights-based, people-centred and whole-of-society approach in development, implementation and monitoring of national and local disaster risk reduction strategies inclusive of . . . displaced and migrant populations, and those in vulnerable situations such as the poor and marginalized” (*ibid.*).

The Asia Regional Action Plan 2018-2020, adopted at the conference to implement the Sendai Framework for DRR, recognizes the magnitude and impacts of disasters in the region and sets out actions at the regional and national levels (Asian Ministerial Conference on Disaster Risk Reduction, 2018). For instance, under the priority on understanding disaster risk, the action plan calls for strengthened regional cooperation for research, development and application of science, technology and innovation for disaster risk reduction, with particular consideration for the needs of, inter alia, displaced and migrant populations (*ibid.*). At the national level, the call relates to building the capacity of national and local governments and other actors to collect and record data, including on displacement and to understand the full spectrum of disaster risk, including the impact of different dimensions such as displacement (*ibid.*). Specific actions on strengthening disaster risk governance discusses the need to ensure that the development and revision of national and local DRR strategies include provisions on displacement and human mobility; meanwhile, the priority on preparedness and recovery also contains multiple references to displacement (*ibid.*). At the operational level, as part of its efforts to support implementation of the Sendai Framework for DRR, UNDRR published Words into Action Guidelines on Disaster Displacement, which offers practical guidance on integrating human mobility considerations into DRR strategies (UNDRR, 2019).¹⁰⁶

¹⁰⁵ Frameworks and efforts to address climate change adaptation, including by recognizing the adaptive character of displacement, migration and planned relocation, are also relevant to this discussion but have not been canvassed due to space constraints. In general, many interventions focused on addressing mobility pursuant to climate change adaptation also overlap and cohere with addressing disaster risk reduction. Addressing pathways for adaptive migration is a particularly notable intervention relevant to climate change adaptation. For more on this, see the discussion in section norms applicable to internal and cross-border migration.

¹⁰⁶ These guidelines were developed in collaboration with the PDD and the Norwegian Refugee Council (NRC).

7. CONCLUSION AND POLICY RECOMMENDATIONS

Attempting to improve the governance of human mobility associated with disasters, climate change and environmental degradation through a protection-centered lens that focuses on *cross-border* mobility may be challenging in Southeast Asia and South Asia. In general, States in the sub-regions have demonstrated a reticence to ratify multi-lateral treaties concerning international protection, even though in practice many host large populations of asylum seekers and refugees. Large-scale cross-border movements and associated protection concerns have generally been addressed through ad hoc multi-lateral cooperation. While States in the sub-regions have tackled protection issues related to cross-border “forced migration,” particularly of victims of trafficking, engagement is largely under a framework to mitigate irregular migration.

On the other hand, the protection of cross-border migrant workers has been a notable priority for States in both sub-regions. While protection concerns have historically featured in instruments and cooperation on labor mobility, more recently, the evacuation and repatriation of migrants caught in disaster situations have been raised in ministerial declarations and other instruments. In crisis contexts, particularly with respect to conflicts, sub-regional States have supported each other to evacuate and repatriate migrant workers. In addition, the Nansen Initiative has documented instances in which some States have received or refrained from returning people displaced across borders in the context of disasters. Whether these examples reflect an emerging willingness to build dialogue and understanding of protection issues relating to cross-border migration and displacement in the context of disaster, climate change and environmental degradation may merit further exploration. In particular, it may be valuable to determine if opportunities exist to deepen regional coordination and cooperation on supporting migrant workers caught in disaster situations and if such interests could be leveraged to promote and build regional cooperation and coordination to also address admission, stay and rights for non-citizens affected by disasters.¹⁰⁷

In this context, leveraging the growing salience and operationalization of the GCM may also be beneficial (United Nations General Assembly, 2018a). The GCM recognizes the significance of regular migration pathways for offering safe options for affected people, including as a way to adapt to disasters and adverse effects of climate change. It notes the merits of building on existing national and regional practices for admission and stay for migrants compelled to leave countries of origin due to disasters to realize commitments under the GCM. (*ibid.*) Given the minimal ratification of refugee and human rights instruments in South Asia and Southeast Asia, safe migration pathways—offered through bilateral and regional approaches—from areas affected by hazards, climate change and environmental degradation may be particularly important for enabling adaptation.

The preceding discussion implies that the most critical, strategic and pragmatic avenues to improve the governance of human mobility in the context of disasters, climate change and environmental degradation in South Asia and Southeast Asia concerns internal mobility. To improve the predicament and protection of people who have moved or may move—through displacement, migration or planned relocation—targeted interventions that enhance domestic understanding and governance of internal mobility is essential. Internal mobility is prevalent in the sub-regional States. Many countries and populations are adversely affected by large-scale internal displacement, internal migration associated with environmental drivers is common and almost all countries in the sub-regions have implemented within country planned relocation. Shifting dynamics in urbanization and escalating changes in the climate are expected to compound exposure and conditions of vulnerability of South Asian and Southeast Asian populations, heightening the dilemmas affecting sub-regional States.

Of the various normative and policy frameworks canvassed in this paper, States in the sub-regions have arguably exhibited the strongest willingness to address DRR and DRM. Continental, sub-regional and national instruments exist on DRR or DRM, framed by a global normative architecture through the Sendai Framework for DRR, which has a monitoring and evaluation system that includes global, regional and national targets and indicators. The Sendai Framework for DRR discusses displacement, displacement risk and displaced populations and two of its indicators are particularly relevant to displaced populations. Meanwhile, the continental Asian Ministerial Conference on DRR has called for an inclusive approach explicitly highlighting displaced and migrant populations and identified priority actions at the regional and national levels to strengthen disaster risk governance that also recognizes the importance of normative provisions on displacement and human mobility. Moreover, the UNDRR, which supports States to align domestic norms and practice with the Sendai Framework for DRR has developed guidance on integrating human mobility—displacement, migration and planned relocation—into DRR legal and policy frameworks.

Accordingly, the primary policy recommendation from this paper is to: **guide and support Southeast Asian and South Asian States to systematically consider and address human mobility associated with hazards, disasters and environmental degradation in DRR and DRM policy and operational frameworks to prevent and mitigate harms and promote protection.** Guiding States to develop, reform or adopt robust, human mobility-sensitive national and sub-national DRR and DRM policies and operational frameworks is a critical starting place. Laws and policies are an important reflection of national responsibility. They provide an overarching framework for action, set forth rights and obligations, provide a basis for the development of subsidiary instruments, and identify standards against which to evaluate progress and accountability. DRR aims to prevent new and reduce existing disaster risks, and to manage residual risk. DRR is the policy objective of DRM, which concerns the application of DRR strategies and policies. DRM actions may address prospective and corrective disaster risks and residual risks. Recent regional research has also emphasized the importance of promoting a human rights-based approach to the integration of human mobility within DRR and DRM instruments (Scott & Salamanca, 2021).

Ensuring that human mobility associated with hazards, disasters and environmental degradation are comprehensively captured in normative and operational frameworks on DRR and DRM offers multiple opportunities. For instance, robust DRM interventions have the potential to prevent or mitigate displacement and promote adaptive migration and planned relocation that also accounts for shifting trends in urbanization and climate change. Fostering informed and rights based disaster risk governance that minimizes gaps between policy and practice through sound norms and capacitated institutions are an essential foundation for protecting people.

In addition, addressing displacement, migration and planned relocation within the framework of growing efforts to build a cohesive interface between DRR and climate change adaptation spheres has the potential to reinforce protections (UNFCCC, 2020). Human mobility is an irrefutable issue area on which both DRR and climate change adaptation actors are engaged and on which interventions could converge, providing a common basis for action. Almost all countries in the two sub-regions have laws or policies on climate change or the environment. In this context, the second recommendation is to: **prioritize human-rights based, human mobility sensitive normative and operational frameworks related to climate change action and ensure they cohere with domestic DRR and DRM instruments.** This has the potential to foreground prospective effects of climate change on human mobility and to assemble a broad coalition of informed actors who are engaged on and enabled to address human mobility.¹⁰⁸

While DRR, DRM and climate change action are essential, and critical for building the architecture for better governance of environmental mobility, each year, millions of people are displaced in the context of disasters in Southeast Asia and South Asia. The scale of internal displacement associated with disasters and disaster risks in the two sub-regions means this dimension must also be addressed. As the evolving ramifications of climate change combine with demographic and urbanization trends and intensify adverse effects on people's lives, identifying and implementing sustainable solutions to internal displacement may become progressively challenging. Few States have adopted domestic laws or policies to address internal displacement; even fewer capture displacement associated with disasters. This is a notable gap in the two sub regions where internal displacement associated with disasters is prevalent and accounts for a significant share of annual global estimates.

Accordingly, the third and final recommendation is to: **guide and support Southeast Asian and South Asian States to adopt and implement normative and operational frameworks on internal displacement that capture flight associated with disasters and climate change, and are consistent with international norms regarding protection, assistance and solutions for IDPs.** Dedicated efforts must be expended to develop normative and operational environments in which data and awareness of disaster-related internal displacement, and on the rights of disaster-associated IDPs to protection, assistance and solutions, is advanced at the national and sub-national levels. In some States, government and non-governmental actors lead efforts on internal displacement associated with disasters, whereas in other States, international humanitarian actors play important roles. However, there are no dedicated or systematic mechanisms to monitor or evaluate existing norms or operational actions on internal displacement against international standards (e.g., Hudson & Ní Ghráinne, 2020). It is challenging to develop a robust understanding of how States, "perform" when it comes to protecting IDPs and addressing internal displacement. In this context, creative ideas on how to monitor normative and operational engagement on internal displacement in Southeast Asia and South Asia, assess compliance with international standards and generate political will and institutional capacity is essential. A mechanism that convenes protection, DRR, DRM and climate action stakeholders to perform such functions may precipitate changes that better address displacement and the rights of displaced people, while also cultivating a cohesive architecture for lasting change.

¹⁰⁸ In this context, frameworks in the Pacific may provide helpful guidance. See e.g., (Geoscience, Energy & Maritime Division, Pacific Community (SPC) et al., 2016). This paper has not evaluated development policy frameworks in the 18 sub-regional countries. Evaluating how domestic development instruments address human mobility in the context of disaster, climate change and environmental degradation will also be important for formulating coherent frameworks.

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