Policy Brief 2/2023

Incorporating Human Mobility into Disaster Risk Reduction Laws, Policies and Strategies in African States

Dr Nicodemus Nyandiko
June 2023

About the author

Dr Nicodemus Nyandiko is a Senior Research Fellow in the Department of Disaster Management and Sustainable Development of Masinde Muliro University of Science and Technology, Kenya. He holds a PhD in Disaster Management and Sustainable Development. His research interests span over 20 years and focus on food security, climate change, disaster risk reduction and climate mobility. He is a member of the Africa Science and Technology Advisory Group for DRR. In 2022, he was appointed to the Platform on Disaster Displacement's Advisory Committee. Dr Nyandiko is the current Co-Chair of Climate Mobility Africa Research Network (CMARN).
Contact: nnyandiko@mmust.ac.ke.

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BACKGROUND

Africa is one of the most climate vulnerable regions in the world. In addition to recurrent disasters, Africa experiences concurrent high rates of violent conflict, political instability and humanitarian crises. Many of the hazards that materialize into disasters on the continent – including droughts, cyclones and floods – are linked to climate change. These extreme weather events cause widespread havoc and negatively impact livelihoods, infrastructure and human settlements, placing millions of people at risk of displacement.

Evidence indicates that people displaced in the context of disasters face significant risks to their human rights, including disruption to education and community life, and inadequate access to basic amenities, health services and essential documentation. To address the impacts of disasters on the continent, many African governments have developed and/or are updating national and regional disaster risk reduction (DRR) policy frameworks, with the overall aim of substantially reducing continent-wide disaster losses and risks by 2030. This includes reducing the number of people at risk of displacement due to disasters in Africa.

Human mobility in the context of disasters is a current reality and one of the key issues that must be addressed through concrete, coherent disaster-related policy responses. This is envisaged by the Sendai Framework for Disaster Risk Reduction 2015 - 2030 and other instruments, which call on states to implement contingency planning and people-centred early warning systems that uphold people's human rights. Most of Africa's existing DRR frameworks acknowledge that disasters have immediate and often severe impacts on people's movement, which mostly occur internally within states.

While Africa's DRR frameworks address a range of risks that come with disasters, few of these frameworks provide detailed policy guidance, and none establish rules that bind African governments with respect to addressing cross-border disaster-related displacement specifically. Despite the need for such measures being recognized in various international frameworks – including the Sendai Framework, the Global Compact for Migration and other human rights conventions – there are scarcely any concrete and binding measures to guide governments in and providing protection and assistance to those displaced by disasters, particularly across borders. This may undermine the protection and assistance of those displaced, both internally and across borders.

ISSUES

HUMAN MOBILITY GAP IN DRR LEGISLATION, STRATEGIES AND POLICIES

Disaster Risk Reduction (DRR) laws, strategies and policies are the cornerstone of government responses to risks associated with disasters. They set the formal, strategic direction for building societal resilience to disasters, including disaster displacement. To be effective, DRR strategies should have clear targets, timelines and indicators to enable the measurement of progress towards

reduction of risks and losses in disaster-affected communities. DRR strategies and policies should aim to reduce both existing and new risks, and provide mechanisms for managing residual risks. - the risk that remains after societal efforts to control risks through risk mitigation, reduction and transfer strategies. This calls for a holistic approach to DRR: all-of-society and all-of-government approaches are critical in order to cement the roles and responsibilities of various stakeholders, and advance societal resilience.[1]

At the regional level, the African Union (AU), Regional Economic Communities (RECs) and Member States have spearheaded a common position on the development of DRR frameworks, aiming to avert, minimize and address displacement. In 2004, the AU adopted the Africa Regional Strategy for Disaster Risk Reduction, the first of its kind on the continent. In 2015, the AU mobilized Member States to adopt the Sendai Framework, adding significant impetus to disaster risk governance on the continent. The AU has developed successive Programmes of Action, with the latest being the 2017 Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030, which aims to substantially reduce continental disaster risk and losses by 2030.[2]

> **African states' DRR frameworks should address all dimensions of human mobility – including displacement, migration and planned relocation – and should do so using gender-sensitive, human rights-based approaches. Moreover, such frameworks should address all phases of disaster displacement, including: prevention of displacement, protection during displacement, and durable solutions (including return, reintegration and planned relocation).**

The Sendai Framework – and to a lesser extent, the current Programme of Action – makes reference to human mobility, including displacement, by documenting the number of people displaced by disasters in the past. For instance, paragraph (33) of the Sendai Framework calls on states to:

> promote regular disaster preparedness, response and recovery exercises, including evacuation drills, training and the establishment of area-based support systems, with a view to ensuring rapid and effective response to disasters and related displacement, including access to safe shelter, essential food and non-food relief supplies, as appropriate to local needs.

Despite this call to states to anticipate and plan for disaster-related human mobility at the national level, the majority of DRR frameworks within AU Member States contain, at best, only vague references to human mobility. They do not explicitly and comprehensively recognize human mobility as one of the impacts of disasters. Less than half of African states have formulated national DRR strategies or plans that explicitly incorporate displacement concerns or provide guidance on how to respond if displacement occurs.[3] A recent review of national DRR laws and policies in the IGAD region found that only a few states included explicit references of human mobility in the context of disasters

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[1] UNDRR, Sendai Framework for Disaster Risk Reduction 2015 – 2030 (2015).
[2] AUC, Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 in Africa (2017).
[3] AUC, Bi-ennial Report on the Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030 in AfricaBiennial Report on the Programme of Action for the Implementation of the Sendai Framework for Disaster Risk Reduction in Africa 2016-2018 (2020).

in their policies and strategies.[4] This suggests the need for better efforts to integrate human mobility into national DRR frameworks.

The Sendai Framework also establishes a target to substantially reduce the number of people affected by disaster displacement by 2030. This includes reducing the number of people displaced, relocated and/or evacuated in the context of disasters. However, the Sendai Framework monitoring system does not provide for specific indicators to measure changes in disaster displacement.

African states' DRR frameworks should address all dimensions of human mobility – including displacement, migration and planned relocation – and should do so using gender-sensitive, human rights-based approaches. Moreover, such frameworks should address all phases of disaster displacement, including: prevention of displacement, protection during displacement, and durable solutions (including return, reintegration and planned relocation).[5]

HUMAN MOBILITY GAP IN DRR IN PRACTICE

A comprehensive approach to human mobility with African states' DRR frameworks could strengthen practices to ensure protection and assistance for both internally and cross-border disaster displaced people, including vulnerable groups such as pregnant women, the elderly, children, people with disabilities and those with terminal diseases. The failure of DRR frameworks comprehensively integrate disaster-related human mobility in all its forms weakens states' responses to disaster displacement in practice.

When properly executed, effective laws, strategies and plans measures can reduce the number of people exposed to the risk of displacement, and the period of displacement. However, a lack of policy guidance undermines efficient and effective responses to disaster displacement, including displacement from rapid-onset disasters such as floods. It provides only limited scope for collaboration between partners, and a lack of dedicated coordination mechanisms to address displacement when it occurs in disaster contexts, including across borders.

Finally, there is limited sharing of information and good practices between African states, leading to ad hoc responses across the continent. There is also a lack of disaggregated data regarding disaster displacement that could be used to inform policy. This is largely due to weak institutional capacities.

PARTICULAR CHALLENGES IN ADDRESSING CROSS-BORDER DISASTER DISPLACEMENT

Both internal and cross-border disaster displacement can have serious repercussions for people's health, education, employment opportunities and long-term durable solutions. However, people displaced across international borders face particular challenges, including: difficulty accessing official border crossings; weak bilateral cross-border collaboration and coordination to facilitate admission and stay of disaster displaced persons; lack of clarity regarding policy provisions on assistance and

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[4] N Nyandiko and R Freeman, 'Disaster Risk Reduction, Climate Change Adaptation and Development Policies and their consideration of Displacement and Human Mobility in the IGAD Region' (PDD, 2020) <https://disasterdisplacement.org/portfolio-item/drr-cca-development-policies-and-disaster-displacement-human-mobility-in-igad>. IGAD Member States are Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan and Uganda,
[5] UNDRR, Words Into Action guidelines – Disaster Displacement: How to Reduce Risk, Address Impacts and Strengthen Resilience. A companion for Implementing the Sendai Framework Target (E) (2017).

protection of foreigners moving into the territory of another state in anticipation of (or during) a disaster; and rigid migration laws requiring those who move to be in possession of a valid travel document as a condition for their admission and stay. This requirement, in particular, may be impossible for many displaced people to meet, given that some disasters may have caused damage to their personal items such personal identification documents.[6] When people move irregularly, they face increased risks of abuse, human rights violations, sexual and gender-based violence (SGBV)[7] and smuggling, and increased vulnerability to future disasters and other crises.

There is also lack of policy coherence between DRR and other frameworks that govern mobility across borders. For example, DRR policy may see human mobility as a means to support resilience building to slow-onset processes such as drought, while cross-border movement is subject to national and regional migration policies that generally do not conform to DRR objectives in Africa. There is limited space for the involvement of DRR institutions in the entry, admission, stay and return of cross-border disaster displaced persons. This makes it difficult for such institutions to support those who move. Enhanced involvement of DRR institutions at designated border areas could also facilitate the exchange of information between states regarding threats from disasters, populations at risk, and the support and protection needs of cross-border displaced persons.

Bilateral collaboration and cooperation between relevant government agencies – including emergency management, disaster risk management and climate change agencies – at designated border points could complement the efforts of migration authorities and police during, or in anticipation of, disasters. Such collaboration is also crucial for sharing information about risks between states, as well as best practice responses to cross-border displacement.

RECOMMENDATIONS

1. African States should take urgent steps to incorporate human mobility into their national disaster risk reduction laws and policies, in line with global frameworks. This would support actions to minimize and avert the risk of displacement, and ensure protection and assistance to those who are displaced.

2. The AU and RECs should support Member States to review their cross-border coordination mechanisms to create space for DRR authorities and further enhance the capacity of border management authorities to respond to cross-border disaster mobility.

3. States should pursue policy coherence between DRR policies and strategies and those related to development, climate change and migration, to facilitate integrated mobility interventions and enhance synergies across policy areas.

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[6] See A O Jegede, 'Climate mobility and protection of vulnerable groups under African human rights law', CMARN Policy Brief 1/2023 (2023).
[7] See O Adejonwo, 'Addressing Sexual and Gender-Based Violence against Women and Girls in the Context of Climate Mobility in Africa', CMARN Policy Brief 3/2023 (2023).