



United Nations Human Rights

Office of the High Commissioner for Human Rights (OHCHR)
Regional Office for the Pacific

Protecting the Human Rights of Internally Displaced Persons in Natural Disasters

Challenges in the Pacific



DISCUSSION PAPER
2011

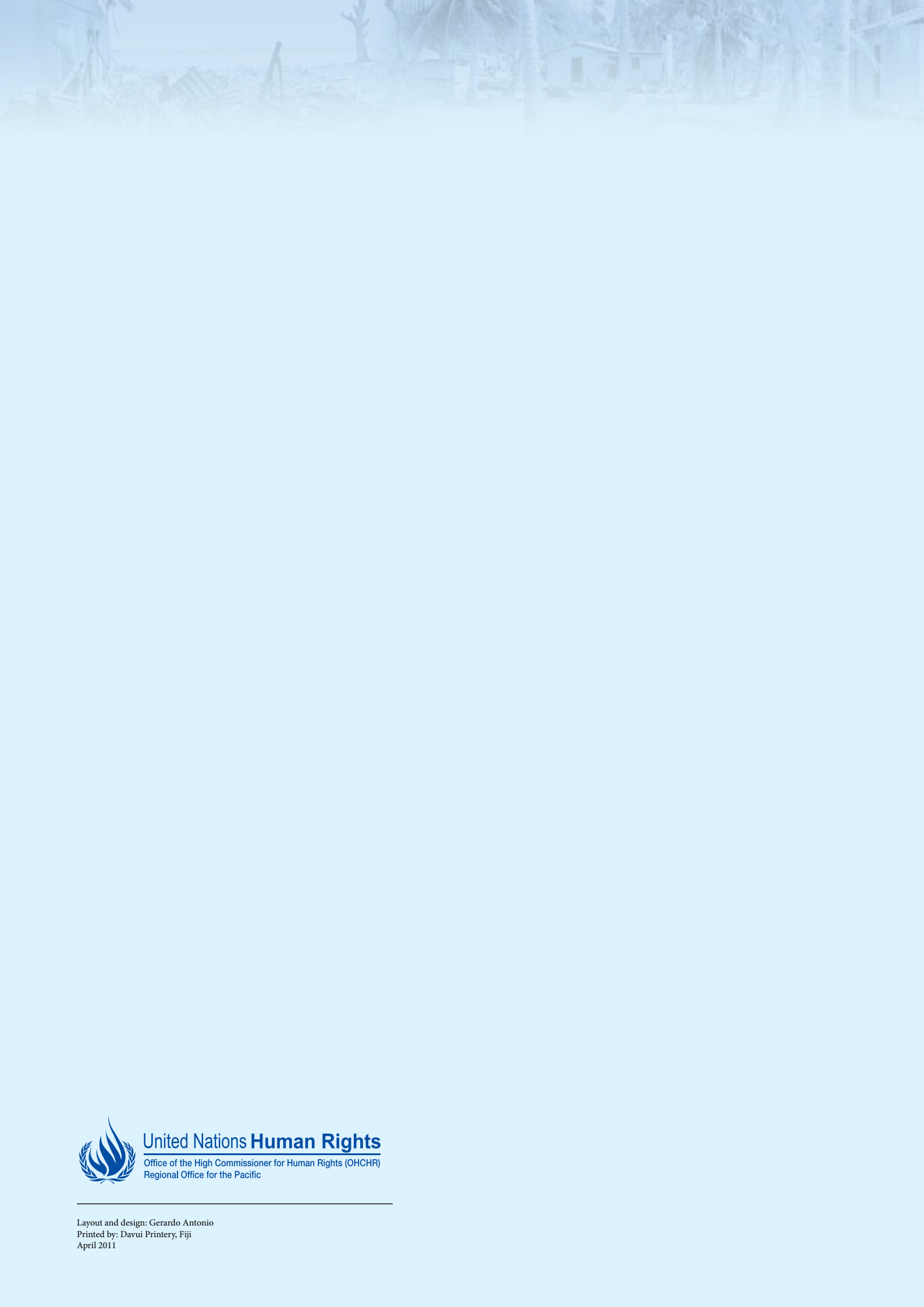


The background image shows a desolate beach scene. In the foreground, there is a large pile of debris, including broken wooden planks, palm fronds, and other unidentifiable fragments. A single, tall, dead tree stands prominently on the right side of the beach. The ocean is visible in the middle ground, and the sky is overcast with soft, grey clouds.

DISCUSSION PAPER

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1. Introduction

Pacific island communities are exposed to a wide range of natural disasters, including cyclones, floods, landslides, earthquakes, volcanic eruptions and tsunamis, as well as to the adverse effects of climate change such as coastal erosion, saltwater intrusion into farmland and fresh water sources.

While we know that natural disasters and climate change are causing forced internal displacement across the Pacific, there is no systematic collection of data on displaced persons or sustained monitoring of their situation and recovery.¹ The lack of reliable information about the numbers of people displaced and their human rights concerns leads to inadequate preparedness and planning measures being undertaken to assist and protect the displaced. This results in failures to protect, once displacement occurs.

Global experience indicates that persons displaced by natural disasters are particularly vulnerable to threats to security and physical integrity, loss of contact with children and family members, inadequate and insecure shelter, discrimination in aid distribution, psycho-social stress and sexual and gender-based violence. As time passes, other challenges arise, for example the impact of the loss of personal documentation, hampered access to health, adequate food, water and sanitation, education, employment or public services; the absence of access to basic services; issues of housing, land and property; and unsafe or involuntary return, local integration or relocation.²

Natural disasters in the Pacific are typically seasonal and recurrent. In absolute terms, the number of people affected is small; however, given the size of the countries, even minor damage can have a large social and economic impact on enjoyment of human rights. It is therefore important to consider the impact of natural disasters in Pacific countries according to a Pacific scale.



Kabara Island, Fiji, photo by the Pacific Humanitarian Team/OCHA 2010

The vulnerability to natural disasters of Pacific islands is further intensified by the highly dispersed areas over which people live and the limited infrastructure. The isolation of many communities complicates disaster preparedness, response and recovery efforts.

Despite the natural beauty and tourist attractions in the Pacific, there are significant levels of poverty. There are five Least Developed Countries (LDCs) in the region,³ including Samoa, which remains in the LDC category due to its vulnerability to natural disaster and the economic setbacks caused by the 2009 tsunami.⁴ Research shows

1 In 2010, the Internal Displacement Monitoring Centre (IDMC) based in Geneva, resolved to study the possibility of developing a global monitoring system for natural disaster-induced internal displacement, based on their experience of monitoring conflict-induced internal displacement, see: Claudine H Dale, *Monitoring disaster-induced displacement. A road-map for IDMC*, 2010 (mentioned in [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/C76C8FCB583CE892C12577280051B9B8/\\$file/IDMC%20Quarterly%20update%20Jan-March%202010.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/C76C8FCB583CE892C12577280051B9B8/$file/IDMC%20Quarterly%20update%20Jan-March%202010.pdf)).

2 UN OCHA, *Human Rights and Natural Disasters. Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster* (2008).

3 In 2010, a total of 49 countries were listed as LCDs, five of them in Oceania: Kiribati, Samoa, Solomon Islands, Tuvalu and Vanuatu (UNCTAD).

4 Samoa was scheduled to 'graduate' to Developing Country status in December 2010. However, due to the "unprecedented human and material losses which Samoa suffered as a result of [the tsunami] and the severe disruption this natural disaster caused the socio-economic progress" the UN General Assembly decided on 3 September 2010 to extend Samoa's LCD status until 2014.

that natural disasters have a considerable impact on economic development in the Pacific, and often lead to deterioration in the quality of life of Pacific island communities.⁵ Poor people are more vulnerable to the effects of natural disasters as they are often not adequately included in disaster preparedness efforts, live in poor quality housing in marginalised areas, and lack assets and access to land.

2. The human rights of Internally Displaced Persons affected by natural disaster

All UN Member States have committed themselves to the human rights standards set out in the UN Charter and the Universal Declaration of Human Rights.⁶ These standards render governments responsible to ensure human rights protections for all women, men, girls and boys on their territory, including those who are displaced by natural disasters. In the Pacific, many governments are highly dependent on international development assistance, and therefore donor governments in the region also have a particular responsibility to promote and protect human rights within the Pacific.⁷



The Universal Declaration of Human Rights and CD Rom of "Human Rights – A Compilation of International Instruments", photo by OHCHR 2011

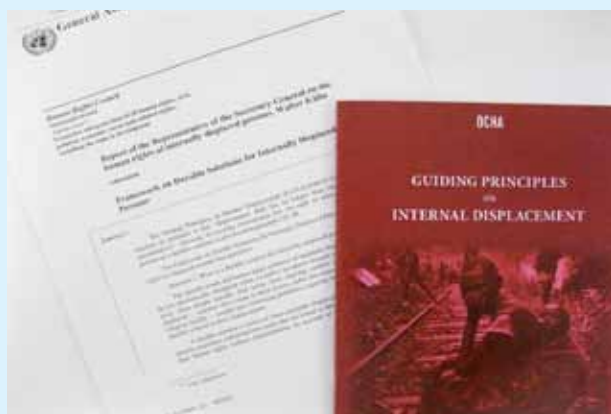
In recent years, particularly since the 2004 Indian Ocean tsunami, the international community has made important progress strengthening the frameworks for protection of people affected by natural disaster, especially women, children and men who are displaced within their country.⁸

A number of comprehensive and complementary guidelines have been developed that outline the rights and standards for the protection of Internally Displaced Persons (IDPs). The following guidelines are based upon and are consistent with international human rights law.

- *UN Guiding Principles on Internal Displacement*⁹
- *IASC Framework on Durable Solutions for Internally Displaced Persons*¹⁰
- *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*¹¹

- 5 Case studies of Fiji, Niue, Tuvalu and Vanuatu in AusAID, "Economic Impact of Natural Disasters on economic and social development" (May 2005) www.ausaid.gov.au/publications/pdf/impact_pacific_report.pdf
- 6 Additionally, all United Nations agencies and their partners are required to employ a human rights-based approach to their work. This means that they must make certain that their activities to assist and rehabilitate victims of natural disasters are aimed at ensuring respect for human rights, and do not discriminate on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, caste, property, birth or other status. See: <http://www.undg.org/index.cfm?P=221>
- 7 State Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) are obliged to work for the full realization of human rights in international development cooperation. Based on the Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), part II, art. 2. states "[State Parties] undertake to take steps, individually and through international cooperation, especially economical and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." In this way, key international donors in the Pacific, such as, including Australia, European Union member states, New Zealand, and Japan, are obliged to ensure that their emergency and development assistance contributes to ensuring respect for human rights.
- 8 See for example, UN OCHA, *Human Rights and Natural Disasters. Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster* (2008).
- 9 The *Guiding Principles on Internal Displacement* (1998) can be found at: http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html "[I]nternally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border." (Guiding Principles, Introduction).
- 10 The *IASC Framework on Durable Solutions for Internally Displaced Persons* (2010) can be found at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.21.Add.4_en.pdf. This version of the Framework builds on a pilot version released in 2007, which the IASC welcomed and suggested be field tested.
- 11 The *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* (2011) can be found at: <http://www2.ohchr.org/english/issues/idp/docs/OperationalGuidelines.pdf>. The Operational Guidelines were originally issued in 2006. In 2011, an updated version was issued. Outlined above are the three main United Nations documents that outline international human rights standards for internally displaced persons. However, there are other documents that are also relevant, such as Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance, http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/Res&Tools/ia_guidelines_dec2007.pdf; UNDG guide for UN country teams on how integrate DRR in CCA and UNDAF, http://www.undg.org/docs/9866/UNDG-DRR-Guidance-Note-2009_DUP_08-07-2009_11-43-02-734_AM.PDF. For the Pacific, the UN developed a checklist of integrating human rights in natural disaster management that is based on the Guiding Principles and *Operational Guidelines*, [http://www.reliefweb.int/rw/lib.nsf/db900sid/SHIG-7GLE4T/\\$file/Checklist_Integrating_HumanRights_in_natural_Disaster_Management.pdf](http://www.reliefweb.int/rw/lib.nsf/db900sid/SHIG-7GLE4T/$file/Checklist_Integrating_HumanRights_in_natural_Disaster_Management.pdf)

The *Guiding Principles on Internal Displacement* address the specific needs of internally displaced persons by identifying, reaffirming and consolidating the standards and rights relevant to their protection.¹² Importantly, the *Guiding Principles* apply to the different phases of displacement, including prevention and protection from arbitrary displacement, access to protection and assistance during displacement itself, and rights related to durable solutions, namely return, local integration, or re-settlement elsewhere in the country. The *Guiding Principles* have been recognised as “an important international framework for the protection of internally displaced persons”,¹³ and have been increasingly used as a basis for the development of regional and subregional normative frameworks, such as with the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted in 2009, as well as national laws and policies on internal displacement.¹⁴ In addition to providing a sound basis for regional or national frameworks, the *Guiding Principles* also provide guidance and standards for the purposes of human rights monitoring activities, advocacy, and the development and implementation of programs and policies relating to internally displaced persons.



Report from the Secretary-General and “Guiding Principles on Internal Displacement”, photo by OHCHR 2011

The *Framework on Durable Solutions* provides guidance for achieving durable solutions for persons who have been internally displaced in various contexts, including in situations of natural disasters. The human rights concerns and specific needs of internally displaced men, children and women do not necessarily end at the same time as the natural disaster, nor when they have found temporary safety, or even upon their return or decision to integrate in their new host community. Indeed, beyond the need for immediate humanitarian assistance, internally displaced persons often require ongoing support in achieving a durable solution to their situation, in the face of marginalization, difficulty in accessing their rights and other challenges resulting from the circumstances of their displacement.

Achieving a durable solution to displacement, namely through voluntarily return to their place of habitual residence, local integration, or resettlement in another part of the country is essential in order to enable internally displaced women, men and children to resume and rebuild their lives. Their rights to durable solutions as well as the responsibilities of national authorities, and the role of humanitarian and development actors to assist durable solutions, are provided in the *Guiding Principles on Internal Displacement* (Principles 28-30). Amongst others, these include the principle of free and informed choice as to the durable solution, and the principle of participation of internally displaced persons in the planning and management of their own return, reintegration or relocation.

The aim of the *Framework on Durable Solutions* is to clarify the concept of a durable solution, provide guidance on the process and conditions necessary for achieving a durable solution, and criteria for determining to what extent a durable solution has been achieved. According to the Framework, a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement. Facilitating durable solutions requires that all stakeholders, including national and local authorities as well as humanitarian, human rights and development actors, work together, and identify appropriate strategies and activities to assist IDPs in this process. In this context, the Framework also aims to help international and non-governmental actors to better assist Governments, who are the primary duty bearers, to address this challenge by establishing the conditions and means to enable IDPs to achieve the durable solution of their choice.

The *Operational Guidelines on the Protection of Persons in Situations of Natural Disasters* were developed in response to a need to provide more concrete guidance on the application of specific human rights to situations of natural disaster. They emphasise that people do not lose their basic human rights or live in a legal vacuum as a result of a natural disaster or becoming displaced, and that natural disasters typically exacerbate the vulnerability of already marginalised groups. The Guidelines aim to help international and non- government humanitarian organisations to ensure that disaster relief and recovery efforts are conducted within a framework that protects and furthers the human rights of affected persons. They may also be useful to Government actors, such as disaster management

12 General Assembly resolution 64/162, tenth preambular paragraph.

13 2005 World Summit Outcome, General Assembly resolution 60/1, para. 132; Human Rights Council resolution 6/32, para. 5; General Assembly resolution 62/153 (2008), para. 10; 64/162, para. 11.

14 See: A/HRC/13/21, of 5 January 2010, paras.11-15.

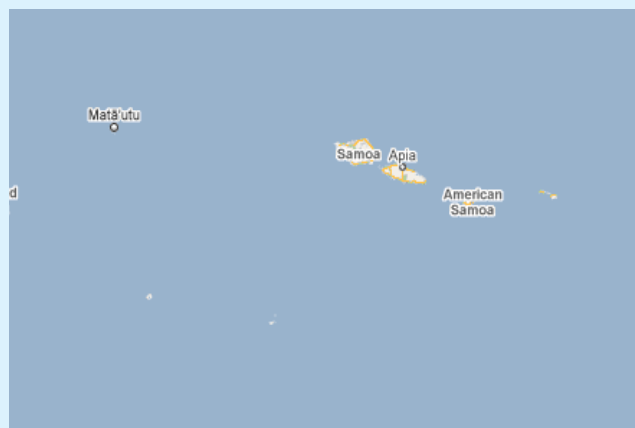
institutions, and are used to inform national laws and policies. On this basis, they provide guidance on how to ensure the protection of key human rights in situations of natural disasters, including rights related to protection of life and physical security; rights related to the essentials of life such as food, shelter, education, and health; rights related to housing, land, property,¹⁵ and livelihoods; and civil and political rights such as freedom of movement, and expression.

4. Three cases of internal displacement in the Pacific

The humanitarian community in the Pacific has responded to many natural disasters that have resulted in one form of displacement or another. In some cases solutions are found for the displaced within relatively short periods. In others, displacement has lasted for long periods and durable solutions for the displaced have been elusive. The Pacific Humanitarian Protection Cluster¹⁶ has followed a number of these cases, including through a one-year human rights monitoring study of communities which were internally displaced in Samoa, following the September 2009 tsunami (see separate Samoa displacement study)¹⁷. Partners in the Pacific Humanitarian Protection Cluster have also been involved in assessments of conditions for displaced communities in Gizo, Solomon Islands and Manam Island, Papua New Guinea. With the evolving thinking internationally on the human rights of persons affected by natural disasters and the increasing clarity around how international human rights standards should be applied to internally displaced persons, the Regional Office for the Pacific of the Office of the High Commissioner for Human Rights decided to explore these issues further by looking at several case studies in the Pacific. It is hoped that these examples will provide some lessons learnt that will allow for improved responses in these and future cases of internal displacement from natural disasters in the Pacific.

This discussion paper has taken these three examples of internal displacement in the Pacific and examined them to highlight some of the key characteristics and challenges of displacement due to natural disaster. The information gathered in the three case studies was based on secondary sources, the report of the Samoa displacement study, and a visit to the Solomon Islands and Papua New Guinea in November 2010 (see annex 2 for details). The three cases resulted in significant numbers of people being displaced, as follows:

- a) Samoa: 5,300 internally displaced by tsunami waves in 2009
- b) Solomon Islands: 24,000 internally displaced by tsunami waves in 2007
- c) Papua New Guinea: 9,000 internally displaced by a volcanic eruption in 2004



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- 15 The *Pinheiro Principles* set out the rights to housing, land and property restitution for Internally Displaced Persons. See: OHCHR, *Handbook for Housing and Property Restitution for Refugees and Displaced Persons* (2007) www.ohchr.org/Documents/Publications/pinheiro_principles.pdf
 - 16 The Pacific Humanitarian Protection Cluster was formed in 2010, under the Pacific Humanitarian Team (PHT). The primary role of the PHT is to ensure timely, effective and coordinated response by international actors, including both UN and non-UN organisations, at the regional and national level in the event of a disaster in the Pacific Island Countries. The Pacific Humanitarian Protection Cluster works under the PHT on protection issues and is co-chaired by the Office of the High Commissioner for Human Rights and United Nations High Commissioner for Refugees.
 - 17 The displacement monitoring study was part of a Samoa Tsunami Early Recovery Project jointly managed by the Government of Samoa and the UNDP Multi-Country Office in Samoa. A report was the outcome of the monitoring study. The purpose of the study was as much to monitor and advise on responses to identified human rights challenges, as to bring attention to IDPs as a category of disaster-affected persons with a right to protection, appropriate assistance, and active involvement in finding solutions to displacement through return, local integration or relocation. The report has been shared with the Government of Samoa and should be available publicly on <http://pacific.ohchr.org> by July 2011.

a) Samoa

On 29 September 2009 two earthquakes in the South Pacific caused tsunami waves in Samoa that killed 147 people and affected around 5,300 or approximately 2.5% of the total population (185,000). Communities in 23 coastal villages, mainly along the southern coast of Upolu Island, fled their homes and were displaced to higher ground further inland.

Since approximately 70% of the population and infrastructure in Samoa are located in low-lying coastal areas, damage to buildings, including homes, schools, churches, community halls, guesthouses and hotels were significant. Roads, water and electricity systems were disrupted and destroyed. Agricultural fields and produce suffered damage, and people lost tools, livestock, fishing boats and equipment. Tourist facilities, shops and other businesses were also destroyed.¹⁸

As the land rises quite rapidly from sea level, villagers did not have to flee far inland to be safe, some less than 1 km, others up to 5 km inland.

In view of the other two cases in this paper, the logistical challenges of reaching and assisting affected people in Samoa were relatively easy. Upolu Island is only about 20 km by 70 km with relatively high-quality and wide-ranging infrastructure including electricity, cell phone coverage and hard-surface main roads. It takes about two hours by vehicle from Apia to reach the worst affected areas on the south east coast. Once the main roads were cleared, access to affected areas to assist communities was possible.¹⁹

In the immediate aftermath of the tsunami, temporary shelters and camps were set up inland, and people, mostly men, returned to the coast during the day to save what remained of their property, and assist with clearing up rubble and debris.

To manage and coordinate the tsunami response, the Samoan government established the Disaster Advisory Committee (DAC) with members from the Ministry of Women, Community and Social Development, Ministry of Finance, the National Disaster Management Organization, the UN and other international development partners. However, significant assistance, especially by the Samoan Diaspora, was provided outside of this mechanism. The Samoan Diaspora extends to more than 30 countries; the majority – 130,000 – live and work in New Zealand.²⁰ The Samoan economy is heavily reliant upon remittances that account for up to 25% of GDP.²¹

In the weeks and months that followed, families and villagers were faced with decisions about where to rebuild. The *Framework on Durable Solutions* provides useful guidance on Government responsibilities in such situations and requires that decisions on where to live, following displacement, must be voluntary and made on the basis of an informed choice of location.²² This also means that information has to reach all parts of the IDP population, including women, children, persons with special needs and persons who are potentially marginalized.²³ It also means that even if decisions are taken by villages or sections of the community as a whole, measures need to be taken to ensure that potentially marginalised groups are fully included. At the same time, there should also be individual support options for adults who have valid reasons for making different choices to that of their community.²⁴

The process of decision making, carried out for the most part by traditional structures and supported by Government, humanitarian and development actors, however, appeared to fall short of the *Framework on Durable Solutions* in this regard.

18 On 7 and 8 October, an early recovery needs assessment was carried out with participation from Government of Samoa (Ministry of Women, Community and Social Development, Ministry of Natural Resources and the Environment and Ministry of Finance), UN, NGO and other international development partners. For more on this early recovery assessment, and a review of immediate response and early warning systems, please see the full report of the Samoa Tsunami Early Recovery Project 2009: <http://www.undp.org.ws/Portals/12/RHope/further%20info/Further%20info/Samoa%20project%20document.pdf>

19 For a summary of the rescue and relief efforts, see, for example, 'An account of the tsunami disaster, the response, its aftermath, acknowledgement and the trek to recovery', Government of Samoa, September 2010, http://www.mof.gov.ws/Portals/195/tsunami_publication2_wf_blanks.pdf

20 Samoa Country Report, AusAID (2007) http://www.ausaid.gov.au/publications/pdf/samoa_study.pdf

21 The vast majority of households in Samoa receive remittances from abroad (56% have at least one remitter, while a further 38% have two remitters), primarily for social occasions as opposed to conventional household expenditure. The Foundation for Development Cooperation, *Leveraging Remittances with Microfinance: Samoa Country Report*, Dec 2007, p 3. <http://www.fdc.org.au/Publications/ARC/FDC%20-%20ARC%20Project%20-%20Final%20County%20Report%20Samoa.pdf>

22 For example, see para 24- National and local authorities, humanitarian and development actors need to provide IDPs with all the information they require to choose a durable solution, while also ensuring that IDPs can exercise this choice without coercion.

23 Para 25, *Framework on Durable Solutions*.

24 See para 28, *Framework on Durable Solutions*

Samoan social and political authority is structured around the *fa'a matai* system, a chiefly hierarchical system whereby titled chiefs (*matai*) exercise responsibility and authority over extended family units. *Matai* administer customary land, titles, and the family's good name and standing in the community.²⁵ Each village is headed by a select group of *matai* who constitute the Village Council (*fono*).²⁶ The Village Fono Act²⁷ devolves extensive jurisdiction from central government to the Village Council in managing the community and its resources, and enforcing law and order. Women, untitled men (who do not have a chiefly title), youth, children and other groups have long been excluded from formal influence in traditional as well as modern institutions.²⁸

For the central government and humanitarian organizations providing emergency tsunami-relief, the Village Chief and members of the Village Council, despite some drawbacks, were essential and useful interlocutors who knew their villagers and held authority to organise needs assessments and relief distributions. However, in the search for durable solutions on where to live after the tsunami, the reliance on the chiefly system risked the exclusion of groups that traditionally were not involved in decisions making and their concerns potentially not being taken into account.



Samoa, photo by OHCHR 2010

In the end, in determining where to live, villagers chose a range of options. Some villages returned to their coastal location to rebuild their homes and livelihoods there, while others opted to relocate the entire village to resettle further inland. Some villages split up, with some residents moving inland and others rebuilding on the coast. A number of individuals migrated to the capital city or elsewhere in Samoa, or sought to emigrate.

For the most part, access to land was not a problem or hindrance to finding durable solutions for the displaced population. In the tsunami-affected areas, 90% or more of the population were living on customary land.²⁹ Customary sections of land here are typically rectangular tracts running from the coast inland towards the mountains at the centre of the island. In this way, each extended family had access to both coastal areas and inland farmlands.

The Samoa displacement study showed most families had unimpeded access to inland areas for temporary displacement away from the affected coastal areas, and later had a viable option of settling inland permanently. Some local authorities mentioned that there were some challenges involved in identifying land for public purposes, such as building schools.

There were reports of some families in one village who had wanted to relocate inland, but were unable to find a plot of land, apparently because their family *matai*s did not fend well for the families' interest. This is a poignant

25 Afamasaga Toleafoa: A changing fa'amatai and implications for governance, National University of Samoa (2005) <http://www.clg.uts.edu.au/pdfs/Toleafoa.pdf> Of all the matai, 96% reported that they were actively involved in village activities using their matai titles while 4 percent were only holding matai titles without involvement in village activities. This usually occurred when the person lives in a different village where the title is not used or he/she is holding more than one matai titles (Housing and Population Census, 2006, p 22)

26 'Fono' is a Samoan and Polynesian term for councils or meetings. It applies to national assemblies and legislatures, as well as local village councils.

27 For the full text of the Village Fono Act, see: http://www.pacii.org/ws/legis/consol_act/vfa1990128/

28 For example, up until 1991 only *matai* were permitted to participate in elections. Following constitutional reform ahead of the 1991 elections universal suffrage was introduced allowing all women and all untitled men aged 21 years and above to participate in electing their political leaders.

29 Deducted from Samoa Housing and Population Census (2006).

example of how families' welfare hinges on the capacity of their *matai* to represent and support them, pointing perhaps to the need for a complementary system in cases where the matai system fails or is not the preferred option for affected persons.

Access to land simplified the work for government and organizations to provide housing support, as there were few or no controversies over ownership of land. There were, however, complaints regarding the speed of assistance for building housing. The *Operational Guidelines* indicate that the authorities should take appropriate 'measures to allow for a speedy transition from emergency shelter to transitional shelter or to permanent housing...'³⁰ The Samoa study was not able to assess whether, in fact, the speed of provision of housing assistance was appropriate. However, it was clear that the affected community were not happy with the speed of this assistance. This highlighted a further concern that there were insufficient monitoring and complaint systems in place to ensure that "conditions on the ground comply with... the international human rights standards"³¹ in relation to the protection of internally displaced persons.³²



People carrying wood at Waidalice Landing, Fiji, photo by OHCHR 2011

The monitoring project indicated that displaced people were impatient with the speed at which housing assistance was provided, and eager to move out of temporary shelters or crowded conditions with relatives. The Samoa study found some discontent with the speed of provision of housing materials, and the displaced said they would have preferred financial assistance to purchase tools and materials themselves.

In one village, it was reported that a number of families had opted to apply for bank loans to rebuild their homes, instead of continuing to wait for assistance. In nearly all locations, there were families who were receiving considerable support for rebuilding their houses not from government, but from family overseas.³³

By the end of the monitoring study in September 2010, no one was found to be living in temporary shelter, although in each of the 6 villages surveyed that month, there were a handful of families who had not received any assistance and who were staying in crowded conditions with relatives.

Principle 18 of the *Guiding Principles* states categorically, in line with the Universal Declaration of Human Rights, that all internally displaced persons have the right to an adequate standard of living. This means that competent authorities shall provide internally displaced persons access to essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation.

In Samoa, the authorities and other humanitarian actors did provide, for the most part, these essentials of life. However, tsunami-affected communities and some Government officials perceived and discussed humanitarian and recovery assistance as charity, and not as a right. This appeared to undermine the ability of affected communities to demand that their rights were adequately fulfilled.

³⁰ C2.2, *Operational Guidelines*.

³¹ Para 44, *Framework on Durable Solutions*.

³² For more details standards for access to effective monitoring, see articles 44-47 *Framework on Durable Solutions*.

³³ This could point to a need for flexible types of government assistance, including, possibly, the provision of reimbursements for families who took loans or received outside help.

On the side of Government, a similar approach could also be seen. For example, in the final report on the Tsunami Shelter Recovery Project which closed in June 2010, the Government wrote: “to this day, we continue to receive more requests for assistance which have not been considered due to the unavailability of funds.” (Oct 2010)³⁴ In such instances where there are humanitarian gaps and lack of funding, it remains the responsibility of the Government to highlight these gaps and if necessary to alert potential donors and partners to provide assistance to meet identified needs.

As referred to above, a weakness of the Samoa tsunami response was a lack of clear and known mechanisms for the Government and humanitarian agencies to track the progress and impact of emergency and early recovery assistance. The Government of Samoa/UNDP Tsunami Early Recovery Project and the DAC purported to have established such mechanisms, but the study showed that these were not well known by people who had questions, grievances or required particular information. Awareness raising, complaints mechanisms, and assistance in accessing such mechanisms must therefore be considered an integral part of the development and implementation of these response and assistance mechanism. The study also showed that monitoring and evaluation exercises were not sufficiently systematic or documented, and that gaps in assistance and information about entitlements remained unaddressed.

b) Solomon Islands

On 2 April 2007, an earthquake west of the New Georgia Islands in Solomon Islands, generated tsunami waves killing 52 and affecting around 24,000 people, or 4.6% of the total population. An estimated 6,000 houses and other buildings were damaged, and 4,000 families were left homeless.³⁵

The tsunami affected communities were dispersed across a vast geographical area in Western and Choiseul provinces. The islands of Gizo, Simbo, Ranongga, Vella la Vella, and the Shortlands were among the hardest hit. People whose homes were damaged or destroyed were generally displaced short distances as they escaped further inland and uphill.³⁶

The two main challenges confronting the authorities and humanitarian organizations in responding to this disaster were access to affected communities and conducting reliable damage assessments. Later, a third challenge, access to land and a fourth, the lack of competent authorities to solve land issues became evident, and further delayed and obstructed housing assistance and durable solutions.

In June 2007, the government developed a Recovery Action Plan (RAP) that included a temporary shelter and housing component. It also had other objectives, including the establishment of national and provincial coordination units that would engage with communities and assist with a coordinated sectoral response.

However, the plan did not become operational. The Asian Development Bank described it as follows:

It can be argued that to date, there has been little activity flowing from the RAP... Inertia at the government level may in part be due to an underestimation of SIG resources required for disaster recovery given: (i) the negligible overall economic impact on the national economy; and (ii) experience with previous natural disasters such as earthquakes and storm surges that were either kept largely unattended by SIG or dealt with by donors directly and in an uncoordinated fashion. The reality is however that the fiscal or direct budget impact could be considerable. There is an expectation on the part of sector ministries that any tsunami rehabilitation and reconstruction activity will be funded by new budget and donor funding, and an unwillingness to commit to any activity in the absence of such funding. This resource stalemate has contributed to slow or no action.³⁷

³⁴ Government of Samoa, “Final Report of Tsunami Shelter Recovery Project”, Conclusion, p 12.

³⁵ Numbers vary, but these are the official government figures: April’ 07 Earthquake and Tsunami. Rural Shelter and Housing Strategy & Proposed Assistance Package. Adopted by Cabinet 26 July 2007, Solomon Islands Government.

³⁶ http://www.unicef.org/infobycountry/solomonislands_40050.html

³⁷ *Solomon Islands: Strengthening Disaster Recovery Planning and Coordination (piggybacked on Grant-Emergency Assistance Project)*, Asia Development Bank, 2007, <http://www.adb.org/Documents/Produced-Under-TA/41105/41105-DPTA-SOL.pdf>

In July 2007, the Cabinet adopted a full shelter and housing strategy.³⁸ However, for unclear reasons, it was not adhered to and the government decided instead to channel its housing funding through members of parliament with constituencies in the tsunami-affected region.³⁹ In practice, and according to affected communities in Gizo, this meant that their local MP arrived from Honiara and handed out small amounts of cash while escorted by the police.⁴⁰



Family in Madang, PNG, photo by OHCHR 2010

Two of the main donors to Solomon Islands, AusAID and NZAID, distrusted this method of providing assistance, and decided instead to provide their housing funding directly to three international NGOs, namely Oxfam, Save the Children and World Vision.⁴¹ The three NGOs divided the affected areas between themselves geographically. Save the Children covered Choiseul Province, World Vision covered the Western Province (except Gizo and Shortlands), and Oxfam covered Gizo.⁴²

In the weeks and months following the tsunami, staff and volunteers from the National Disaster Management Organization and the National Red Cross Society had carried out a number of damage assessments and compiled lists of people whose houses had been damaged or destroyed by the disaster. The initial damage assessments were handed over to the three NGOs tasked with rebuilding. The NGOs found that the assessments were incomplete and did not provide sufficient information for launching a housing programme.⁴³

They therefore decided it was necessary to revisit affected communities in order to verify and reassess the needs. In the process, new groups of affected communities were identified, and added to beneficiary lists, while others were found to have falsely reported damages and were removed from the lists.

The repeated assessment visits and subsequent delays in assistance prompted frustration from affected people. Donor representatives from AusAID and NZAID in Solomon Islands also expressed frustration that the delivery of assistance was slow to start.⁴⁴ It appears, however, that the government as the primary duty bearer in this situation did little to ensure speedy provision of housing for those who had been displaced.⁴⁵

Oxfam staff reported that in Gizo, the Provincial authorities only once invited them to a coordination meeting where a number of organizations were asked to share their budgets and housing plans. However, there was no further government follow-up after this.⁴⁶

38 A Recovery Action Plan was developed and approved by Cabinet in June 2007. One of its objectives was the establishment of a shelter and housing strategy (including advice on safe land use and building techniques) to support the process for communities to rebuild their homes and return to normality. Asia Development Bank <http://www.adb.org/Documents/Produced-Under-TA/41105/41105-DPTA-SOL.pdf>

39 *Solomon Islands: Strengthening Disaster Recovery Planning and Coordination (piggybacked on Grant-Emergency Assistance Project)*, and UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008, Minako Kakuma.

40 Interview with an internally displaced person, Gizo, 05 November 2010. The interviewee had received 1000 Solomon Island dollars, approximately \$US130 from the MP to rebuild his house.

41 The funding provided for each NGO is Oxfam: SBD\$4,782 million from AusAID, Save the Children: AUD\$900,000 from AusAID and World Vision: US\$1.2 million from NZAID. UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008, Minako Kakuma

42 Caritas was willing to cover Shortlands although they would not implement a full-scale housing programme. Later Caritas experience some problems and conflict with the local communities they were assisting, and World Vision took over the programme Ibid, page 2.

43 Ibid, page 4

44 Interview with AusAID and NZAID, Honiara, 03 November. Donors indicated that perhaps there had been too much consultation at the expense of action. However, at the same time, donors underlined that they fully trusted and respected the expertise of the NGOs they were funding.

45 "While some relief activity continues, after 8 months almost all recovery activity on the ground has been initiated by NGO's or community based groups with little effective engagement from government or sector ministries." *Solomon Islands: Strengthening Disaster Recovery Planning and Coordination (piggybacked on Grant-Emergency Assistance Project)*, Asia Development Bank.

46 Interview with Oxfam staff, Honiara 02 November 2010.

In Gizo, the housing programme was particularly complex and slow due to unresolved land ownership.⁴⁷ In other affected areas, the housing response was more successful as the displaced were all customary land owners, making it easier for displaced people to relocate themselves or return to their original locations.⁴⁸

Gizo is a small island of approximately 37 square kilometres with a population of about 9,000. The main town is a provincial capital and the second largest urban centre in the country. Unusually for the Solomon Islands, the majority of land on Gizo is crown land.⁴⁹ Approximately thirty per cent of the population of Gizo are the minority Micronesian Gilbertese who were brought from Kiribati (the former Gilbert & Ellice Islands) by the British and settled in Gizo in the 1960-70s. Some were settled on Gizo and given perpetual titles over land.⁵⁰ However, there are disputes over how much of the land was given to them. Other Gilbertese resettled from other parts of the Solomon Islands and their claim to land was not clearly defined by law. The population also includes other ethnic Solomon Islanders who migrated from other parts of the country to Gizo. Finally, there are also communities that had returned to Gizo after generations and were in some form of negotiations with government to have land given back to them as customary owners.⁵¹



Gizo island, Solomon Islands, photo by OHCHR 2010

When the tsunami hit, those affected set up temporary shelters on higher land. Many did not want to return to their previous places of residence, due to the risks they would face if there were repeated natural disasters. However, due to land disputes and lack of clarity over land tenure, permanent places for resettlement were not identified. The government appeared unable or unwilling to take an active role in settling the disputes. This situation meant that the path to durable solutions was slow. In particular, international standards, as outlined in the *Operational Guidelines*, requiring that measures be taken to allow for a speedy transition from emergency shelter to transitional shelter or to permanent housing were not followed.⁵²

On Gizo island in October 2007, 6 months after the tsunami, Oxfam reported that 3,700 persons were living in temporary shelter in 57 settlement camps around the island, over half of them children under 18 years.⁵³ By November 2010, there were no visible temporary shelters and people had rebuilt wooden structures to live in. However, it seemed that security of tenure remained an issue, since the land disputes had not been formally settled and many had rebuilt on crown land with no legal permission.⁵⁴

47 Consultations by Oxfam indicated that land was regarded as the most important issue by the majority of the affected consulted and that delays in re-building were due to unresolved land issues. Those consulted wanted the authorities to survey the land and assist in resolving the status of land ownership and interests. UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008, Minako Kakuma.

48 Interview with AusAID and NZAID, Honiara, 03 November 2010, and interview with World Vision staff, Gizo 04 November 2010.

49 Peter Chamberlain, *Final Evaluation, Community Based Housing Recovery and Reconstruction Project*, Oxfam, May 2010. Approximately 85% of land in the Solomon Islands is customary owned.

50 Perpetual land title that gives the owner perpetual ownership of the land. It is similar in nature to Freehold Title in Australia and other Commonwealth countries. It can also be seen as registered customary land in light of the customary land tenure system prevalent in the Solomon Islands. It is the most secured form of land tenure available in the Solomon Islands. Perpetual Title is granted by the Commissioner of Lands upon full settlement of all required land fees after which no further land fees is payable to the government.

51 It is said that prior to colonisation inter-tribal warfare wiped out all but two women from Gizo. These women settled on another island and it is their descendants that have resettled back on Gizo. *Land Status Consultant Report to Oxfam*, undated, p6

52 C2.2, *Operational Guidelines 2011* (in the 2006 *Operational Guidelines*, the relevant clause is C3.1). In June 2008, displaced people in Gizo attempted to demonstrate several times to protest delays in shelter assistance. This led to the intervention of the police. UNOCHA Solomon Islands Mission Report, July 2008.

53 See: UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008, p 3 (Minako Kakuma).

54 Peter Chamberlain, *Final Evaluation, Community Based Housing Recovery and Reconstruction Project*, Oxfam, May 2010.

The issue of discrimination on the basis of ethnicity was raised as a concern on a number of occasions. There are reports alleging that local government authorities did not want to deal with land issues for Solomon Islander migrant communities on Gizo.⁵⁵ During the mission to Honiara and Gizo in November 2010, national level government representatives also raised concerns regarding discrimination against the Gilbertese.⁵⁶ Within Gizo, there were clearly tensions between different ethnic groups regarding land claims. The Gilbertese, for example, had settled on higher ground since the tsunami and had indicated that they “would like to obtain title to this land in order to rebuild on a more permanent basis. Older indigenous inhabitants are opposed to this on the grounds that these new migrants should not be favored by the government when they have historically been denied this land by government.”⁵⁷

Discrimination against women was also an issue in the Gizo response. Both OCHA and Oxfam found that the response was often not gender sensitive and resulted in women’s voices and needs not being heard or taken into account.⁵⁸ The issue of gender based violence was also an issue that was not adequately addressed. Between April and October 2007, responders received information of at least fourteen cases of gender-based violence, including rape. It is assumed that there were many more cases than this that were not reported. No effective systems of referral and response were established.⁵⁹

In Gizo, there were also rumours as to the intention of the authorities and business interests to make use of the land of the Gilbertese for tourism purposes.⁶⁰ This has not eventuated, however, international standards are clear that displacement from a natural disaster must not lead to changed land use against the will of those who occupied it prior to the disaster.⁶¹

c) Papua New Guinea

In October 2004, volcanic eruptions on Manam Island led to the evacuation of the island’s 9,000 inhabitants⁶² to the mainland. Manam Island lies 13 kilometres off mainland Madang Province in northern Papua New Guinea (PNG) and is the most active volcano in the country. There have been 24 recorded eruptions since 1900, and evidence suggests that eruptions have been occurring with increasing frequency and intensity.⁶³

There were no recorded deaths as a direct result of the 2004 eruption, but some 3,000 houses, as well as infrastructure, crops and forests were damaged or destroyed. By January 2005, 85% of the island was buried in ash and lava rock, and less than 200 people remained on Manam Island.⁶⁴

On the mainland, around 6,000 islanders were assigned to four temporary settlement sites (called ‘Care Centres’) on government-owned coconut plantations along the coast in Bogia and Sumkar Districts. The displaced were in relatively crowded conditions within the plantations, and were provided with traditional types of housing (see below for more details on conditions in the Care Centres). They were located separately, but not far from local villages. The other 3,000 were hosted within four coastal villages based on personal ties through family or trade.⁶⁵

55 Minako Kakuma, UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008.

56 Interview with national level government representatives, 03 and 08 November 2010.

57 Geoff Peterson, “The Participation Gap: Protection Issues in post-conflict and post-tsunami Solomon Islands, A Study Commissioned by Austcare Australia”, June 2008.

58 UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008, Minako Kakuma. Summary Evaluation Report, Oxfam International Response to the 2 April 2007 Solomon Islands Tsunami

59 “It is rational to assume that these cases which came to the attention of NGOs are just the tip of the iceberg considering the absence of effective reporting and response mechanisms with strict adherence to guiding principles such as confidentiality, respect for the wish of survivors and assurance of the safety of those involved, without which the survivors of the violence may not feel comfortable to report. In addition, social stigma and the culture of impunity could reinforce the non-reporting of GBV cases.” Minako Kakuma, UNOCHA Solomon Islands Mission Report (Internal), 30 June-11 July 2008.

60 Interview with staff of several NGOs, Gizo, 04 November 2010.

61 “Property and possessions left behind by persons, communities or indigenous peoples displaced by natural disasters should be protected, to the maximum extent possible, against looting, destruction, and arbitrary or illegal appropriation, occupation or use.” C1.2 *Operational Guidelines*.

62 Manam Island population estimates vary. Government officials cite 10,000, Red Cross/Red Crescent 9,600, while the 2000 Population Census 7,800 which with an average annual of 3.25% pop growth indicates that in 2004 the island population was about 9,100. World Bank Aide-Memoire addressed to PNG Government, “Papua New Guinea, Proposed Manam Island Resettlement Project. Reconnaissance Mission October 31-November 6, 2007” section 3.

63 *Ibid.*

64 *Ibid.*

65 The exact numbers reported vary. The Final Report on Internally Displaced Persons from Manam Islands by the UN in PNG, April 2005, notes that, “it is believed that up to 2,000 additional islanders may be staying with friends and relations outside the camp. <http://www.elmquist.info/consultme/Final%20report.pdf> (extracted on 24 March 2011).

In the Care Centres, local authorities, the National Disaster Centre, international NGOs, the local Red Cross and church organizations provided humanitarian assistance and materials for temporary shelters. The national government provided financial assistance, supplemented by assistance from AusAID and NZ Aid for these interventions.⁶⁶

By April 2005, it was clear that return to the island was not a viable option for the people of Manam Island. The risk of further eruptions or other disasters stemming from the volcanic activity was serious and the damage already done to the island meant that it could no longer adequately support those who had been there. The displaced population themselves acknowledged that their island was becoming uninhabitable, and the majority wanted permanent relocation on the mainland.⁶⁷ However, it was also clear that the displaced would need more land than they had been allocated in the Care Centres in order to provide adequate housing and sustainable farming. The displaced did not have access to the natural forests around them to gather materials for housing, since the land belonged to the local host communities, and they did not have funds to purchase such materials.⁶⁸ Livelihood opportunities, which could be provided through fields to cultivate food and boats to go fishing were lacking.⁶⁹

There was also a claim from the previous traditional owners on the land where the Care Centres were located, making the status of the land uncertain.⁷⁰ The United Nations recommended to the government to take action to determine the status of land and look for more land to provide the Manam Island community with a durable solution.⁷¹

In 2005, assistance activities by the Government were reduced. Local authorities provided some assistance, including food assistance, but it was on an ad hoc basis, and there was little transparency as to what the national government actually allocated to the provincial and district level for helping the displaced.⁷² Prior to the reduction in assistance, basic conditions and services were not available for the displaced population in the Care Centres. The reduction in assistance only exacerbated the situation. In 2007, an interagency report found that minimum standards related to education, health, water, housing and nutrition were not met.⁷³ By 2010, many of the houses and school buildings were in dire need of replacement and repair. Roofs and walls were rotten and leaking. Poles on which houses were built were also rotting.⁷⁴

Gender-based violence and discrimination issues also appeared to be left unaddressed. Consultations indicated that women and girls had experienced sexual abuse and domestic violence. However, no structures had been put in place to prevent or respond to these forms of violence.⁷⁵ Although the Care Centres had established committees to manage their affairs, only one committee had a female member.⁷⁶ In this regard, the *Framework on Durable Solutions* provides useful guidance on ensuring that all IDPs are consulted and informed.⁷⁷

In 2006, the central government set up the Manam Resettlement Authority tasked with identifying and purchasing land for the Manam Islanders. However, due to poor leadership, complexity of land issues, and alleged corruption,

66 The Final Report on Internally Displaced Persons from Manam Islands by the UN in PNG, April 2005

67 Integrated Regional Information Networks (IRIN), *Papua New Guinea: Volcano displaced still in limbo*, 5 May 2010, available at: <http://www.unhcr.org/refworld/docid/4be90b651d.html> [accessed 27 March 2011]. Moreover the Mission Report by the Inter-Agency Assessment Team in 2009 highlights that, “the Manam Islanders in the Care Centers and on Manam Island strongly indicated that the only permanent solution they see is permanent resettlement. Staying in the Care Centers or returning to the island is not a solution for several reasons.”

68 See, page 18, http://www.sphereproject.org/dmdocuments/manam/Final_Report.pdf (Extracted on 28 March 2011.)

69 The Inter Agency Task Force report notes that “there are limited income opportunities for both, residents in the Care Center and for those on the island to meet their daily and other basic needs such as food, water, clothing, school, and transportation fees, medicines, building tools and materials. People sell surplus fish, garden produce and copra but do not really earn enough to meet their day-to-day demands.”

70 The purchase is still being disputed by the former land owners and this dispute is currently blocking any expansion of the land allocated to the care centres. <http://www.elmqvist.info/consultme/Final%20report.pdf> (extracted on 24 March 2011). According to Red Cross/Red Crescent, there is disagreement about whether the state holds current ownership of land in Bogia identified for possible resettlement of evacuees, or whether control of the land has reverted to traditional owners. This uncertainty has been the source of considerable frustration among evacuees. Some aid agencies delayed their planned assistance because they were unsure of how long evacuees would remain at the Care Centres. [http://www.reliefweb.int/rw/RWFiles2005.nsf/FilesByRWDocUnidFilename/MHII-6CG8WC-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2005.nsf/FilesByRWDocUnidFilename/MHII-6CG8WC-full_report.pdf/$File/full_report.pdf) (Extracted 24 March 2011)

71 The Final Report on Internally Displaced Persons from Manam Islands by the UN in PNG, April 2005

72 Interviews with displaced Manam Islanders in Mangem Care Centres, Sumkar District, and Asuramba Care Centre, Bogia District, 15 November 2010, and interview with Bogia administration, Bogia District 15 and 16 November 2010.

73 *Manam Islanders: Assessment report of their current situation in the temporary care centres on the mainland and on Manam Island, Bogia and Sumkar Districts, Madang Province*, Mission Report, Inter-Agency Assessment Team, 2-5 July 2009.

74 Observed during visits to Mangem Care Centre, Sumkar District, and Asuramba Care Centre, Bogia District, 15 November 2010.

75 Interagency assessment report, op cit, p11

76 The Final Report on Internally Displaced Persons from Manam Islands by the UN in PNG, April 2005

77 Paragraph 25 *Framework on Durable Solutions*.

this body was not able to identify and secure any land for the displaced.⁷⁸ By 2010, this body was no longer functional and had lost the confidence of the local authorities and the displaced.⁷⁹ A new entity, called the Manam Resettlement Task Force was established by the government in mid-2010 to revive the process of resettling the Manam IDPs.⁸⁰



Care centre in Madang, PNG, photo by OHCHR 2010

Clashes and Repatriations

By June 2005, it was already evident that the stay of the Manam Islanders in the Care Centres was causing tension with local communities, in particular over land use issues, leading to periodic violent clashes.

While host communities and traditional landowners were given some information to prepare them for the arrival of the Manams, virtually nothing else was done in terms of infrastructure or logistics. Most of the IDPs were thus moved into an area with resentful- or even hostile- local populations that viewed the evacuees as competitors for local land resources.⁸¹

Since then, reports of clashes between the IDP population and the local communities have been on-going. In 2006, it was reported that the villagers near to the Care Centre in Asuramba asked their Member of Parliament to evict the IDPs because of security concerns.

A clash in Tobenam Care Centre in 2008 left the centre burnt to the ground and two people dead. According to news reports, some of the residents of the Care Centre were repatriated as a consequence.⁸² In early 2009, the tensions escalated to violence with three people killed and the Suaru village burnt down.⁸³

78 <http://www.irinnews.org/report.aspx?ReportId=87656> (Extracted on 26th March 2011) Island Business Magazine Update; http://www.islandsbusiness.com/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=19178/overrideSkinName=issueArticle-full.tpl (extracted on 24 March 2011)

79 Interviews with displaced Manam Islanders in Mangem Care Centres, Sumkar District, and Asuramba Care Centre, Bogia District, 15 November 2010.

80 Information supplied by OCHA-PNG, 24 March 2011.

81 Elizabeth Satow, *Relief Response for the Internally Displaced Persons from Manam*, World Vision, June 2005.

82 *Ibid.* The report does not indicate whether it was a voluntary repatriation or not.

83 "Pressure Mounts as Manam islanders want to return home," Islands Business, 2007, http://www.islandsbusiness.com/islands_business/index_dynamic/containerNameToReplace=MiddleMiddle/focusModuleID=19178/overrideSkinName=issueArticle-full.tpl (Extracted on 31 March 2011); "Third death in Madang row," 14 January 2009, <http://www.postcourier.com.pg/20090114/news07.htm> (Extracted on 31 March 2011)



Kabara Island, Fiji, photo by the Pacific Humanitarian Team/OCHA 2010

As a direct result of the fatal clashes, a police unit from a neighbouring district was called in to forcefully evict more than 2000 displaced men, women and children back to Manam Island and burnt down the houses in the Bom Plantation care centre to ensure people did not return to the mainland.⁸⁴ As described above, Manam Island was considered not suitable for human habitation.

By July 2009, it was estimated that eight adults in the Bom Care Centre and one child in the Asuramba Care Centre had been killed. As a result of the on-going violence, the National Executive Council decided to continue the repatriations to Manam Island. In-country UN agencies intervened and advised against it. The decision was not carried out, and the government agreed to continue to look for a permanent resettlement solution on the mainland. The UN offered to advise and help the government in this process.⁸⁵

In early 2010 further clashes were reported between Bogia villagers and the IDPs. The clashes reportedly left two people dead and 200 homeless, after the Care Centre in Tobenam was burnt to the ground.⁸⁶ Again, the Government decided to repatriate the IDPs back to Manam Island. However, by May 2010, the Government again cancelled the decision and announced that the IDPs would remain in the overcrowded Care Centres until a more permanent solution could be found.⁸⁷

The insecurity that resulted from the poor relations and clashes between the IDPs and host communities resulted in a further deterioration of conditions for the IDP communities. Many IDPs dared not venture far from the centres for fear of being harassed and attacked. In 2009 and 2010, women recounted their fear to walk outside the Care Centres, including to access medical care. They told of infants and mothers having died in childbirth due to inadequate services within the care centres and not accessing a nearby clinic for fear of being attacked by villagers.⁸⁸ By late 2010, a school in one of the care centres had been closed for almost a year, reportedly because teachers were afraid to teach there.⁸⁹

In addition, an international NGO that still operated in the area providing water assistance and governance training had to suspend their activities due to insecurity.⁹⁰

⁸⁴ Those repatriated were from the Baliau village in Manam Island. *Manam Islanders: Assessment report of their current situation in the temporary care centres on the mainland and on Manam Island, Bogia and Sumkar Districts, Madang Province*, Mission Report, Inter-Agency Assessment Team, 2-5 July 2009; information received from OCHA-PNG, 31 March 2011. Bogia Administrator estimated that approximately 2000 men, women and children were evicted back to Manam Island following unrest, interview 15 November 2010.

⁸⁵ *Ibid.*

⁸⁶ "MP concerned about lack of co-operation," Post Courier, 22 March 2010, <http://www.postcourier.com.pg/20100322/news04.htm> (extracted on 31 March 2011)

⁸⁷ "Papua New Guinea: Volcano Displaced Still in Limbo," IRIN, http://www.pacificdisaster.net/pdnadmin/data/original/PNG_VO_2010_displaced_still_Limbo.pdf (extracted on 31 March 2011).

⁸⁸ *Ibid* and interview with displaced in Asuramba Care Centre, Bogia District, 15 November 2010.

⁸⁹ The Inter-Agency Assessment Team report records that in the Asuramba Care Center, the school had closed down as a result of "conflict with the host community" and in Mangem Care Center, teachers have "stopped teaching due to non-payment of salaries". *Ibid*.

⁹⁰ The NGO is World Vision. Interview with Bogia Administrator, 15 November 2010.



Photo by OHCHR 2011

At the time of the visit, health services consisted of one clinic with only two nurses, and no doctor and erratic deliveries of medicine provided by the Catholic Church. There were no functioning schools on the island.

During consultations in November 2010, Manam Islanders, including those who were evicted back to the island, expressed a strong wish to be resettled to a safe area on the mainland. Starting in August 2010, there was renewed volcanic activity on Manam, and people on the island reported being fearful of a new eruption. A series of low level eruptions occurred in the first two weeks of January, 2011.⁹³

In March 2011, the Government told the United Nations that it was planning to allocate PGK15 million (approximately USD6 million) to identify and purchase land for permanent resettlement.⁹⁴

5. Challenges

Experiences of internal displacement in Papua New Guinea, Solomon Islands and Samoa, indicate a number of interrelated challenges in the protection of IDPs. In particular, there has been weak implementation of international standards relating to IDPs due to a lack of knowledge of applicable standards and practice and weak state capacity. Concerns identified in this paper highlight the need for improvements in the following areas:

- Consultation and information-sharing enabling IDPs to make informed and voluntary decisions on issues affecting their lives, including decisions on where to live, following displacement;⁹⁵
- Consultation and other measures for all affected communities, including host communities, to facilitate inter alia: absorption capacity of these communities; integration of IDPs (rather than segregation); issues relating to infrastructure and services such as expanding schooling and social services; and issues that could cause strife or tensions, including competition for resources, through mediation and other mechanisms;
- Measures to allow for a speedy transition from emergency shelter to transitional shelter or permanent housing.⁹⁶
- Effective and accessible monitoring, complaint and response systems in place to ensure that conditions on the ground comply with international human rights standards in relation to the protection of internally displaced persons.⁹⁷

91 Interview with Province Administrator, Medang, 17 November 2010.

92 These estimates were made by a joint UN mission, including OHCHR, that visited Manam Island in November 2010. The mission interviewed local government authorities, representatives of the Manam Islanders and directly observed conditions.

93 Pacific Islands Report, "Manam Island Eruptions Frightens PNG Villagers," 11 January 2011, <http://pidp.eastwestcenter.org/pireport/2011/January/01-19-07.htm> (Extracted on 31 March 2011).

94 Information received from OCHA-PNG, 24 March 2011.

95 Paragraph 24-33 *Framework on Durable Solutions*.

96 C2.2, *Operational Guidelines*

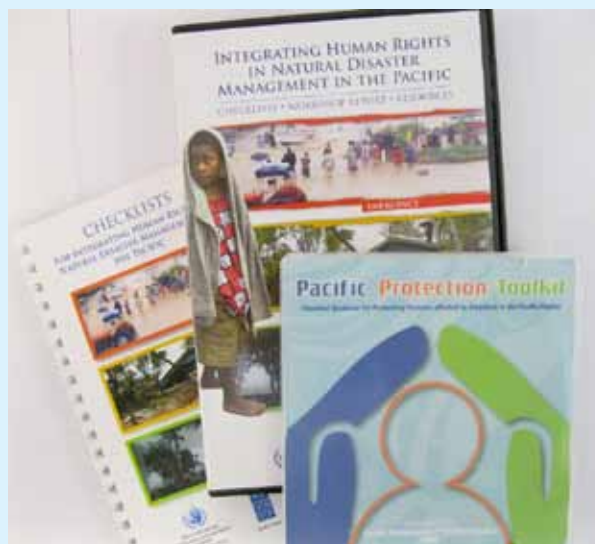
97 Paragraphs 44-47, *Framework on Durable Solutions*.

- Protection against violence, including gender-based violence.⁹⁸
- Safe access to medical services;⁹⁹
- Education for displaced children;¹⁰⁰
- Access to livelihoods¹⁰¹
- Protection against forcible return to a place where their life, safety or health would be at risk.¹⁰²

Weak State Protection of IDPs

Although each case study is different, they each show elements of weak state protection of IDPs. In some instances, this has meant that complaints of IDPs were not taken into account or consultations did not happen with certain groups amongst the IDPs. In other instances, it meant that IDPs were not protected from violence and were forcibly returned to conditions which violated a number of important human rights standards relating to adequate standard of living and other state obligations.

The weak protection by the state seems to be caused in part by a failure to recognise the fundamental and principal responsibility of the state in situations of natural disasters, and the resulting weakness in developing and implementing effective programs and strategies that ensure human rights protection of IDPs. In some cases, governments have not allocated the required human and financial resources, complemented by accountability and monitoring mechanisms, to find durable solutions for IDPs.



"Pacific Protection Toolkit" by the Pacific Protection Cluster, as well as CD, "Integrating Human Rights in Natural Disaster Management in the Pacific", as well as "Checklist". Photo by OHCHR 2011

A review of national reports and assessments of natural disasters in the Pacific shows that displaced women, children and men are usually referred to as 'affected' or 'homeless'. There is no reference to the term 'internally displaced person' or applicable human rights standards. UN and international NGO staff in the region, sometimes employ the term IDP in discussion and reports, but the three cases reviewed have not made use of international human rights standards, including the *Guiding Principles*, the *Framework on Durable Solutions* or the *Operational Guidelines*, to set common objectives and standards for assistance and protection.

This has meant that IDPs are not considered and treated as a distinct category of natural disaster-affected people with specific needs and rights or indeed as legitimate rights holders, as per international and national human rights standards. Although not all the international standards on displacement will be relevant to each situation, they can provide necessary guidance for ensuring that the human rights, humanitarian and development needs of the men, women and children will be taken into account.¹⁰³

The case studies also show that the longer term needs of IDPs and, most notably, their right to durable solutions have, at times, been overlooked. The *Framework on Durable Solutions* stresses that IDPs have a right to be assisted and protected beyond the initial emergency phase. It reminds authorities, international donors and development actors of the need for attention, resources and *sustained* support to IDPs until they have achieved a durable solution, through return to their place of origin (if feasible and safe), voluntary relocation elsewhere in the country, or local integration in their host community.

The internal displacement and relocation of people from Manam Island has shown the risk of providing only humanitarian support, without paying sufficient attention to the longer term task of finding durable solutions. The failure to provide a speedy transition to permanent housing has led to risks to life and health; and IDP communities have suffered without sufficient access to education and livelihood activities.

⁹⁸ A.4, *Operational Guidelines*

⁹⁹ Principle 18, *Guiding Principles*

¹⁰⁰ Principle 23 *Guiding Principles*

¹⁰¹ C.3.1 *Operational Guidelines*

¹⁰² Principle 15, *Guiding Principles*

¹⁰³ Some international standards on internally displaced persons are not relevant to situations of displacement from natural disaster, since they also cover displacement from armed conflict.

Natural disasters can significantly reverse development achievements and overwhelm national authorities. However, once the initial humanitarian phase is over, it is essential that governments assume their central role and fulfil their obligations to assist IDPs in achieving durable solutions, including access to social services, housing and livelihoods. In the transition from humanitarian to early recovery activities it is vital that government and development actors engage at an early stage and begin to build foundations for longer-term recovery, even while humanitarian efforts are still ongoing.¹⁰⁴



Manam Island, Photo by OHCHR 2010

International standards on IDPs also require that governments and development partners take pro-active measures to prevent or mitigate the extent of forced internal displacement.¹⁰⁵ In the context of natural disasters, this means taking disaster risk reduction measures that are aimed at avoiding population displacement. This may include the need to identify populations at risk of internal displacement. In cases where it might not be possible to put in place measures to prevent forced displacement, evacuation plans should be made in advance that comply with the provisions of Principle 7 of the *Guiding Principles*.¹⁰⁶

Discrimination and Inclusion

All three case studies revealed that certain groups within the displaced communities faced issues of discrimination and exclusion. The issue of discrimination against women and in particular the lack of women's participation in decision making is ubiquitous in the Pacific. With respect to IDP women, it is therefore not surprising that few meaningful measures to comply with the international standards on IDPs that relate to consultation with women before and after internal displacement were taken. Similarly, in certain cases, other groups were also not sufficiently consulted, including those who do not have chiefly titles or are traditionally lower down in the hierarchy, as well as children and youth. There were allegations that ethnic minorities also faced discrimination.

104 See UNDP Policy on Early recovery, August 2008. "While early recovery paves the way for future longer-term activities, it is important to distinguish between early recovery and recovery programmes. Early recovery programmes are foundational in nature. They restore and strengthen the capacities of governments at all levels to manage and lead the recovery process. They simultaneously facilitate the resumption of key livelihood activities, service delivery and community security programmes. Recovery programmes, in turn, build on these early foundations and restore the social, political and economic fabric of a society while addressing the root causes of the crisis. These programmes are longer-term and are normally based on a systematic, multi-dimensional needs assessment such as the Post-Conflict Needs Assessment or Post Disaster Needs Assessment." (UNDP Policy on Early recovery, August 2008).

105 Principle 5, *Guiding Principles*

106 These include that decisions to evacuate must be taken by a State authority empowered by law to order such measures; full information on reasons and procedures for displacement is given; free and informed consent is sought from those to be displaced; the authorities endeavour to involve those affected, particularly women, in the planning and management of the relocation; legal review of decisions shall be respected.

The strength of traditional structures, for the most part, led to Government, humanitarian and development partners carrying out their consultations through processes organised by chiefs or other traditional leaders that were usually not inclusive of women, children and other excluded groups. In Samoa, for example, international organizations were completely reliant upon the traditional chiefs for access to communities, and therefore it was difficult to ensure that people who were not of the chiefly class ('untitled') and women were consulted and participated in discussion and decisions.

International standards on IDPs in no way discourage the use of traditional structures in responding to IDP situations. They do, however, lay down minimum standards to ensure that there is no discrimination in relevant processes, as well as in the response.¹⁰⁷

Land and Displacement

In the case studies from the Solomon Islands and Papua New Guinea, the failure of government to take adequate measures to allow for a speedy transition to permanent housing and durable solutions was in large part due to the inability to provide land with secure tenure. In Gizo, the land was government owned and had a variety of tenure arrangements in place for different communities prior to the earthquake and tsunami. After the displacement, the government did not have adequate systems or capacity to respond to the need to re-assess the tenure arrangements and re-adjust them, as necessary, to provide secure tenure for the IDPs.¹⁰⁸

In Papua New Guinea, the government appeared to have no adequate system in place to identify land for the IDPs. Responses appeared *ad hoc* and subject to the strengths and weaknesses of individuals within the state structure. Reasons for decisions were opaque and there did not appear to be any serious mechanism for review of administrative decisions. There was no evidence of adequate laws operating to regulate resettlement and identification of land in these types of situations.

The predominance of customary land tenure in PNG is often cited as the reason for not assisting groups that require adequate housing to settle on land. Customary land ownership is the dominant form of land tenure in the Pacific, accounting for more than 80% of the land in most countries¹⁰⁹, and can present complexities when trying to find land to settle IDPs or for others who have chosen to migrate within the country.

In July 2010, the Office of the High Commissioner for Human Rights (OHCHR) conducted a housing rights assessment mission in Papua New Guinea, and found significant challenges in relation to land, including customary land tenure. There is no clear or uniform system for the authorities to access customary land for public purposes, including for ensuring adequate housing with secure tenure.

Land is an essential element when looking at the issue of provision of adequate housing, particularly when looking at the issue of security of tenure and affordability. PNG has the particularity of having 97% of customary-owned land. This situation limits to a certain extent the possibility for state authorities to use land for urban-rural development. In some places, state authorities lease land from traditional land owners to build housing for instance. Yet, it seems that the framework under which the system works remains subject to oral or traditional agreements (between for instance grandparents of actual settlers and the customary land owners) or to various types of other arrangements, and these arrangements vary from place to place and from case to case.

This situation may indicate the need for a regulatory framework for land lease between traditional land-owners and settlers.¹¹⁰

107 On the issue of discrimination and custom, article 5 of the Convention on the Elimination of All Forms of Discrimination against Women gives clear guidance. It states: "States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

108 The right to adequate housing has a number of criteria under international human rights law. One of the criteria is security of tenure. See, for example, C2 *Operational Guidelines*.

109 AusAID, "Making Land Work, Vol.1: Reconciling customary land and development in the Pacific", 2008.

110 OHCHR, *PNG Housing Mission Report, 2010*, <http://pacific.ohchr.org>

6. Conclusion

National governments and local authorities have the core responsibility for addressing and finding solutions to internal displacement in line with international standards. At the same time, in the Pacific, where aid levels are high, international donors and organizations working with humanitarian relief and development also bear a responsibility for promoting and protecting human rights in the context of their efforts to assist internally displaced persons.¹¹¹

Achieving durable solutions to end displacement requires planning, capacity and resources. If these steps are not taken, there are serious risks that protracted displacement situations will lead to further and more serious rights issues, such as forced returns that put at risk the lives and health of women, men and children, violence within IDP communities and between the displaced and host communities, inadequate housing and insecurity of tenure, and a lack of access to livelihood opportunities and basic services, such as health and education.

Governments, humanitarian and development partners need to plan for and prevent forced displacement through disaster risk reduction programmes, but also by identifying who is at risk of displacement and ensuring that mechanisms are in place to respond appropriately. Responders need to ensure in advance that they are aware of international standards and put in place contingency plans and strategies to apply them.

Discrimination, and particularly discrimination against women, needs to be addressed in all stages of preparedness and response to IDP situations. Traditional structures can be used to facilitate consultation with communities. However, steps need to be taken to ensure that the needs of men, women, girls and boys are taken into account. Similarly, consultation should ensure that others with special needs or people who are marginalised are able to effectively participate, including through complementary mechanisms that could be put in place.

Governments need to take an active approach to ensuring durable solutions for IDPs. This means that the *Guiding Principles* need to be incorporated into laws, policies and practices that are subject to effective redress mechanisms, including through the use of the courts.

In the Pacific, land ownership issues are often a central concern when looking at durable solutions that require IDPs to be relocated or integrated locally. One necessary condition for durable solutions is that displaced women, men and children are provided with secure tenure. The timely provision of secure tenure will often require legal reforms to already be in force before the displacement occurs. Such legal provisions should regulate the use of lands, including customarily owned lands, for public purposes, such as providing adequate housing to populations in need, including IDPs. Any such legal regulation must also comply with international human rights standards on the rights of indigenous people. It must also be recognised that tensions between host communities and IDP populations are not based solely on competition for land. Governments must address land tenure issues, but must recognise that host communities are also 'affected' and, as appropriate, need to be provided with increased social services and infrastructure; monitoring, complaint and response systems should extend to host communities; and mediation and other mechanisms to reduce and address possible tensions should be put in place.

¹¹¹ A focus on displaced persons in natural disasters is not meant to encourage preferential treatment over other populations at risk but, rather, to recognize the particular challenges and improve the quality of the response for displaced persons whose needs have been, until recently, inadequately addressed by the international humanitarian response. See: Introduction, in Handbook for the Protection of Internally Displaced Persons (2010) <http://www.unhcr.org/refworld/docid/4790cbc02.html>.

7. Annexes

Annex 1

Table of Pacific countries and population size, per sub-region

Pacific region	Country	Pop.	Land mass km ²	Independence	GDP per capita*	LDC**
Melanesia	Vanuatu	243,304	12,190	1980	2,600 (2009)	X
	New Caledonia (France)	249,000	18,575	-		-
	Fiji	849,000	18,274	1970	3,300 (09)	-
<i>Case study</i>	Solomon Islands	523,000	28,400	1978	1,100 (2009)	X
<i>Case study</i>	Papua New Guinea	6,732,000	462,840	1975	1,400 (2009)	-
Micronesia	Federated States of Micronesia	11,000	702	1986	2,200 (2008)	-
	Nauru	14,019	21	1968		-
	Palau	21,000	459	1994		-
	Marshall Islands	62,000	181	1986	2,600 (2008)	-
	Kiribati	98,000	811	1979	1,000 (2009)	X
	Guam (USA)	178,000	541	-	17,500 (2001)	-
Polynesia	Niue (NZ associated)	1,398	260	1994		-
	Tuvalu	12,373	26	1978	1,500 (2002)	X
	Wallis and Futuna (France)	15,289	264	-		-
	Cook Islands	19,569	240	1992		-
	American Samoa (USA)	65,628	199	-		-
	Tonga	104,000	748	1970	2,600 (2009)	-
<i>Case study</i>	Samoa	179,000	2,831	1962	2,900 (2009)	X
	French Polynesia (France)	264,000	4,167	-	22,200 (2004)	-
	TOTAL POP	9,622,011				

* Source: CIA World Fact Book 2010

** Least Developed Country, UNCTAD

Annex 2

Field visits and information collection

Information in this discussion paper is based on visits to affected areas and discussions with representatives from affected communities, humanitarian organizations, donors and authorities.

Samoa, Aug-Sep 2010 (see separate Samoa displacement monitoring study)

Discussions with: Internal Affairs Division, Ministry of Women, Community and Social Development, UNDP, Samoa Red Cross, MOA, village chiefs in 5 villages.

Questionnaires with displaced population.

Solomon Islands, 2-8 Nov 2010

Places visited: Honiara and Gizo

Discussion with: Oxfam, World Vision, UNICEF, UNDP, NDMO, NZAID, AusAID, and displaced persons.

Papua New Guinea, 8-17 Nov 2010

Places visited: Port Moresby, Madang, Bogia, and Manam Island

Discussion with: NDMO, OCHA, Provincial authorities in Madang, local authorities in Bogia, Manam Islanders in Mangem and Asuramba Care Centres Manam Island chiefs and villages.

Annex 3

This report was launched at a conference which OHCHR held together with OCHA and Brookings. Below is a flyer which was prepared for the conference.



OCHA



United Nations Human Rights

Office of the High Commissioner for Human Rights (OHCHR)
Regional Office for the Pacific

BROOKINGS

Conference:

**Internal Displacement due to Natural Disasters
and Climate Change**

3 May 2011
10:00 a.m. – 03:45 p.m.
Pacific Islands Forum Secretariat
Suva, Fiji

*Including launch of OHCHR Report on Internal Displacement due to
Natural Disasters in the Pacific*

OCHA 2007



Keynote Speaker:

**United Nations
Special
Rapporteur
on the Human
Rights of Internally
Displaced
Persons,
Mr Chaloka Beyani**





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