

Incorporating Displacement into the Treaty on the Protection of Persons in the event of Disasters

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1 Introduction

Nearly every second, someone is displaced by the impacts of a disaster. In 2024 alone, almost 70 per cent of the estimated 65.8 million internal displacements globally were linked to disasters. These figures reflect a decades-long trend which is likely to grow as the impacts of climate change create more frequent and severe disasters.

Since the ILC finalized the Draft Articles in 2016, States have increasingly recognized that displacement is an all-too-common feature of disasters, and that it requires cooperation and collective action.

For example, in both the Asia-Pacific and the Americas and the Caribbean, the Regional Action Plans for the implementation of the Sendai Framework call for action on climate and disaster-related mobility. Meanwhile, the Cartagena +40 Chile Declaration and Plan of Action (2024–34) outlines three operational programmes concerning disaster-related displacement.

In Africa, the Kampala Ministerial Declaration on Migration, Environment and Climate Change (endorsed by 48 States) stresses the importance of regional cooperation on mobility in the context of disasters and climate change.

In the Pacific Regional Framework on Climate Mobility, Pacific governments commit to incorporating measures to avert and minimize displacement into regional disaster risk reduction activities, and to strengthen regional collaboration to assist and protect those at risk of displacement.

The new treaty should reflect this evolution.

At present, ‘mass displacement’ is mentioned only as a possible defining characteristic of a disaster, in draft article 3. If this definition is replaced by the UNDRR’s definition of ‘disaster’, as some States and the IFRC have sensibly proposed to better align it with other frameworks, then this sole reference will disappear.

This gap is not academic. It translates into uncertainty for governments, responders and, most critically, for people and communities in harm’s way.

In their interventions on the draft text, States have already recognized that disasters often precipitate large-scale displacement with devastating effects. Brazil, for instance, highlighted

that thousands of people move each year within and across borders seeking safety and secure livelihoods after disasters.

In the UN Sixth Committee, a number of States referred to displacement in the context of disasters (eg South Africa, Indonesia, Portugal, Switzerland, Cabo Verde). In its written submissions, Nigeria proposed that the treaty ‘explicitly include internal displacement’.

For these reasons, it is important to consider how the treaty could expressly acknowledge displacement. This could be done in simple yet effective ways.

2 Proposed changes

In a policy brief released by the Kaldor Centre’s Evacuations Research Hub last year, we proposed some small but important changes that would better align the treaty text with contemporary developments in State practice. I will outline three of them here.

2.1 Name the risk: displacement is a common consequence of disasters

Acknowledging displacement in the treaty’s text would signal that disaster risk reduction, response and recovery must be designed with displaced people in mind, centring their lived experience. It would also provide an interpretative framing and a hook for future action.

A reference to displacement could be incorporated into the preamble either through a minor tweak to an existing recital or the creation of a new one.

Minor:

Considering the frequency and severity of natural and human-made disasters and their short-term and long-term damaging impact, including the displacement of people from their homes or places of habitual residence;

New (drawing on language from the ILC Commentaries):

Bearing in mind that disasters lead to great human suffering and distress, including the displacement of people from their homes and places of habitual residence, and that both the risk and incidence of such displacement are expected to increase.

2.2 Affirm the life-saving role of evacuations and planned relocations

Disaster risk reduction requires more than early warning systems and hazard mapping. Around the world, authorities undertake evacuations on a near-daily basis to move people out of harm’s way.

Planned relocations – while less common and more complex – are already occurring in some countries in response to repeated flooding, coastal erosion and other hazards. When relocations are well-planned, lawful and rights-respecting, they can save lives and minimize exposure to harm.

Draft article 9(2) already sets out an illustrative list of disaster risk reduction measures, such as the conduct of risk assessments, and the installation and operation of early warning systems.

We propose that evacuations and planned relocations should be added here to make clear the protective function they can serve to avert harm in the context of disasters.

2.3 *Recognize evacuations and visas as forms of international cooperation*

International cooperation should mean more than sending tarpaulins after a disaster. Assistance with evacuations – such as transport, logistical support and the provision of humanitarian or protection visas – can be vital forms of solidarity that reduce risk, enable life-saving movement and support dignified protection. Naming these as cooperation measures would unlock practical channels for States to help one another when hazards overwhelm national capacity.

We therefore recommend that assistance with evacuations, and providing access to humanitarian and/or protection visas, be included as forms of international cooperation in draft article 8.

Cooperation in the response to disasters includes humanitarian assistance, coordination of international relief actions and communications, assistance with evacuations (including across international borders), providing access to humanitarian and/or protection visas, and making available relief personnel, equipment and goods, and scientific, medical and technical resources.

3 **Practical implications**

A treaty that names displacement would invite legal, policy and practical follow-through in the following ways.

- **In national law:** Ministries of the interior, disaster and emergency management, and so on could harmonize standards for evacuation orders, shelter management and return or relocation pathways, thereby reducing disaster risks.
- **In operations:** Disaster management agencies could build ‘protection by design’ into evacuation planning – such as transport for people with mobility impairments, child-safe spaces in shelters, protocols to prevent gender-based violence, and mechanisms for maintaining family unity and access to documentation.
- **In finance:** Donors could condition disaster risk reduction funding on inclusive plans that factor in displacement risk and longer-term recovery and resilience.
- **In diplomacy:** Regional solidarity could include pre-agreed evacuation support, visa facilitation and temporary protection measures when hazards exceed national capacity. It could also provide a touchpoint for conversations in bilateral and international fora.
- **In international cooperation:** Explicit references to displacement, evacuations and planned relocations could anchor international cooperation in concrete, life-saving actions – such as by providing humanitarian visas when disasters overwhelm a State’s capacity. This builds upon the Sendai Framework’s recognition that ‘the reduction of disaster risk is a common concern for all States’ and that national measures can be enhanced ‘enhanced through the provision of sustainable international cooperation’.

In conclusion, the inclusion of displacement is not an add-on to disaster protection. It is a core component of it.