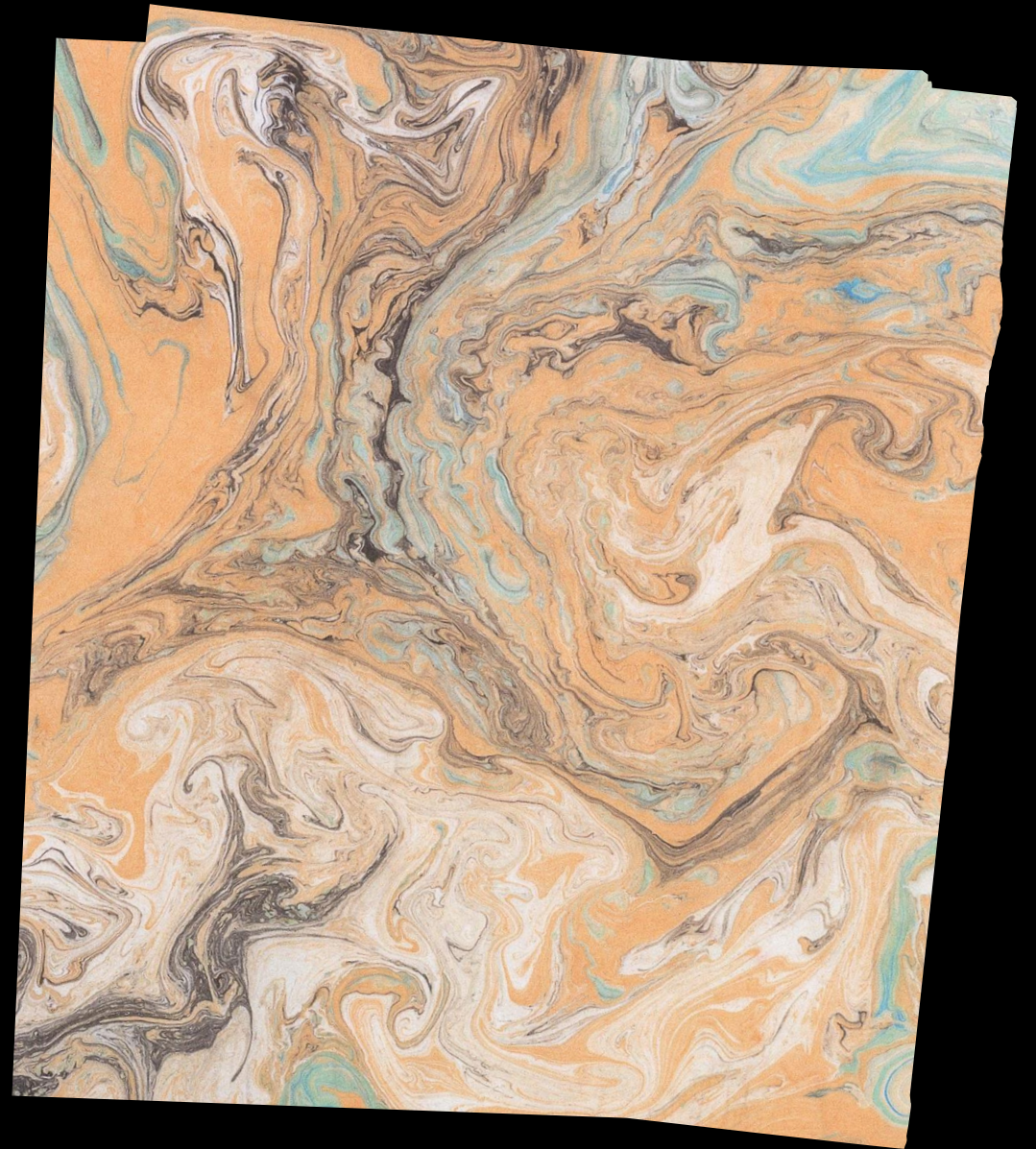


Enabling Community-led  
Relocations:

*The Critical Role of Legislative  
Interventions in Addressing  
Climate Change-Related  
Displacement*

Presenter: Carolyne Cherop  
Climate Academy 2023








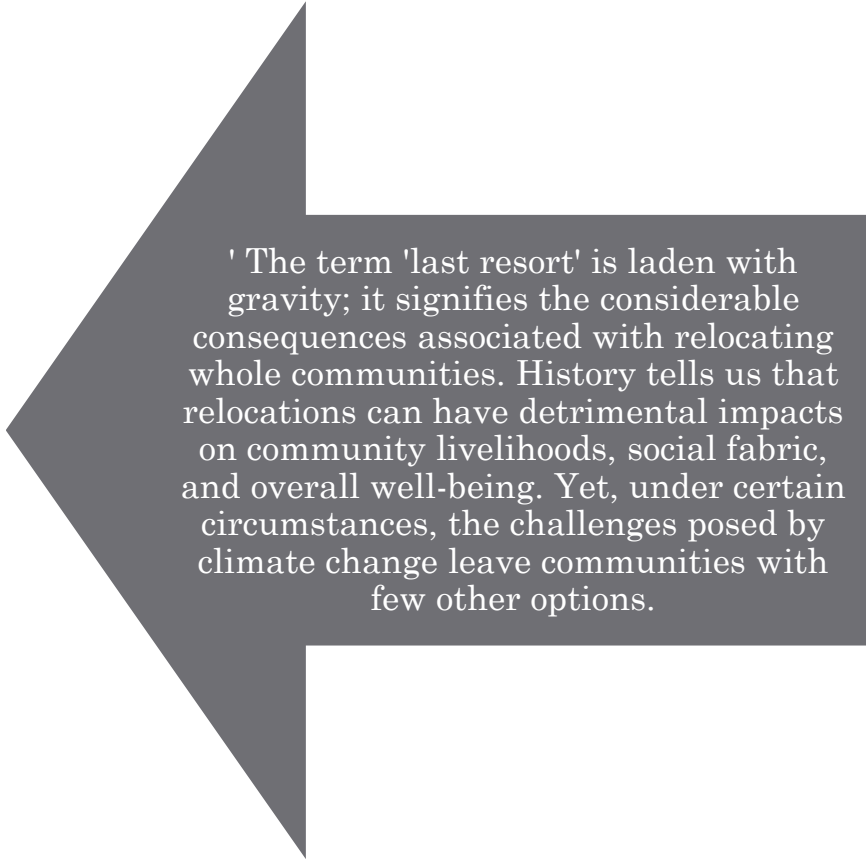
# Context of Climate Change "Hotspots"

- We find ourselves at a critical juncture in human history, one marked by the urgent need to adapt to an increasingly volatile climate.
- Certain geographical areas, known as climate change "hotspots," are experiencing intensified negative impacts such as sea-level rise, desertification, and extreme weather events. These hotspots represent zones where the consequences of climate change are not merely forecasts but lived realities, warranting immediate and long-term solutions.

# Necessity of Planned Relocations as a 'Last Resort

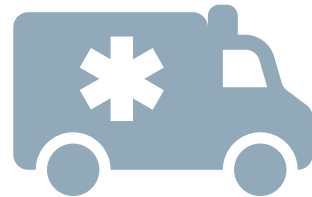


When it comes to addressing the challenges posed by climate change hotspots, planned relocations often surface as a strategy of 'last resort.

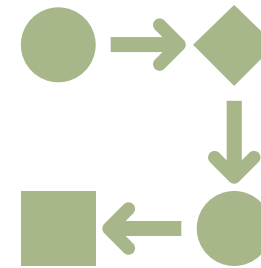


' The term 'last resort' is laden with gravity; it signifies the considerable consequences associated with relocating whole communities. History tells us that relocations can have detrimental impacts on community livelihoods, social fabric, and overall well-being. Yet, under certain circumstances, the challenges posed by climate change leave communities with few other options.

# The Disaster Risk Management Bill, 2023 as a Legislative Tool



This brings us to the crucial role of legislation. The Disaster Risk Management Bill, of 2023, provides a framework for coordinated national and county-level efforts to manage and mitigate disaster risks, including those exacerbated by climate change.



While it holds promise, its potential for guiding planned, community-led relocations needs to be carefully examined and, possibly, revised. The Bill represents not just a tool but an opportunity—an opportunity to guide planned relocations in a manner that preserves human rights and dignity, while also correcting historical inequalities.

## Legislation as an External Support System


Legislation can serve as a robust external support system for communities facing the harsh realities of climate change.

A comprehensive legal framework can provide the scaffolding upon which effective, humane, and sustainable relocation strategies are built. This includes offering risk expertise, defining policy guidelines, facilitating stakeholder dialogue, and providing financial provisions for both immediate and long-term support. In essence, legislation can convert abstract ideals into actionable mandates.

While the notion of planned relocations can be fraught with ethical and social challenges, legislation can offer a coordinated pathway that places human rights and dignity at the forefront. A well-constructed Bill can include provisions to ensure public participation, address social and mental health needs, and guide the equitable allocation of resources. Such a coordinated approach is essential to avoid the pitfalls of past relocations, which have often been detrimental to community well-being.

# Alignment with Climate Academy 2023 Objectives

These legislative possibilities dovetail perfectly with the objectives of Climate Academy 2023. The Academy aims to advance scientific understanding of climate risks while promoting effective solutions that reduce exposure and vulnerability. Moreover, it seeks to foster a science-policy-action interface that is driven by transdisciplinary co-creation.



Legislation, like the Disaster Risk Management Bill, 2023, can act as a critical node in this network, translating research and dialogue into concrete policies that preserve the integrity and future of vulnerable communities.

# Disaster Risk Management Bill, 2023 - Overview



**National and County-Level Coordination:** The Disaster Risk Management Bill, 2023, includes a detailed scheme for coordination at both the national and county levels. This aims to ensure seamless communication and effective action across various government bodies. However, it's worth comparing this to Section 21(2) of the 2012 Act on Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities. The 2012 Act explicitly calls for governmental authorization for displacements related to development projects or environmental preservation. While the 2023 Bill proposes robust coordination mechanisms, aligning these with the authorization protocols of the 2012 Act can offer an integrated, multi-level governance model for disaster-related displacements..



**Financial Provisions for Disaster Management:** Compared to the financial provisions in the 2012 Act, the financial provisions here are not as comprehensive. The 2023 Bill, if aligned carefully with the funding mechanisms of the 2012 Act, can provide a more holistic approach to resource mobilization and allocation, making the process of planned relocations more efficient and humane.

# Strengths of the Bill in Supporting Relocations

01

**National Coordination:** Both the 2012 Act and the 2023 Bill offer frameworks for national coordination, but the 2012 Act goes further in specifying conditions for displacement and relocation in Section 21(2) and 22(1).

02

**Financial Provisions:** The 2012 Act lacks detailed financial provisions, unlike the 2023 Bill, making the latter more robust for relocation needs.

03

**Non-limitation of Fundamental Rights:** Section 22(4) of the 2012 Act emphasizes the need for respect of human rights during displacement.



# Shortcomings of the Bill



No Explicit Guidelines for Community-led Relocations: The 2012 Act, in Section 22(1)(a), insists on the free and informed consent of affected persons but doesn't go beyond that.



Missing Stakeholder Dialogues: Section 22(1)(b) of the 2012 Act calls for public hearings but doesn't specify broader stakeholder engagement.

# Key Considerations for Legislative Interventions

Legal and Policy Frameworks:  
Both the 2023 Bill and the 2012 Act offer legal frameworks, but the latter provides more detailed guidelines on displacement due to development or environmental projects.

## Gendered and Cultural Dimensions

- 2012 Act: Section 22(4) mentions protection of community land and special needs of women, children, and persons with special needs, aligning well with concerns about cultural dimensions.

## Recommendations & Future Directions

- 2012 Act: Use its stronger provisions on informed consent and human rights as a basis to recommend similar language in the 2023 Bill.

# Political Will, Resource Mobilization, and Coordination

Political Will: Crucial for the enactment and enforcement of legislative tools.

Resource Mobilization: Essential for the actual execution of community-led relocations.

Coordination: Necessary for multi-stakeholder involvement and the effective implementation of plans.



# Key Questions:

- Who bears what costs?

## Resource Mobilization

- How should benefits be adequately distributed?

## Coordination

- What level of harm or responsibility to act, are we as a community willing to accept?

## Political Will

- Who gets a voice in asking these questions and setting these priorities?

## Political Will and Coordination

THE END ...

Q&A