

## **DISASTER-INDUCED INTERNAL DISPLACEMENT IN BRAZIL: CONVERGENCES BETWEEN THE SENDAI FRAMEWORK AND THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT**

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### **ABSTRACT**

This article examines the legal possibilities for articulating the Sendai Framework for Disaster Risk Reduction (2015–2030) with the Guiding Principles on Internal Displacement, aiming to understand how these international instruments can contribute to strengthening the legal protection of internally displaced persons (IDPs) due to disasters in Brazil. The study seeks to identify normative and operational points of convergence between these *soft law* frameworks and to assess their potential for integration into the Brazilian legal system and public policy, especially in light of the absence of a specific national legal framework on the matter. The research adopts a qualitative, theoretical-documentary, and exploratory approach, grounded in the hermeneutic analysis of national and international norms, as well as in a critical review of the specialized literature. The findings indicate that, although non-binding, both instruments offer compatible and complementary guidelines that may inform the formulation of more effective, resilient, and human rights-centered public policies, contributing to the mitigation of existing legal gaps in the country.

**Keywords:** internal displacement; disasters; Sendai Framework; Guiding Principles; public policy.

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## **DESLOCAMENTO INTERNO POR DESASTRES NO BRASIL: CONVERGÊNCIAS ENTRE O MARCO DE SENDAI E OS PRINCÍPIOS ORIENTADORES SOBRE DESLOCAMENTO INTERNO**

### **RESUMO**

Este artigo examina as possibilidades jurídicas de articulação entre o Marco de Sendai para a Redução do Risco de Desastres (2015–2030) e os Princípios Orientadores sobre Deslocamento Interno, com o propósito de compreender como esses instrumentos internacionais podem contribuir para o fortalecimento da proteção jurídica de pessoas deslocadas internamente por desastres no Brasil. O estudo busca identificar os pontos de convergência normativa e operacional entre esses marcos de *soft law* e avaliar seu potencial de integração ao ordenamento jurídico e às políticas públicas brasileiras, especialmente diante da ausência de um marco legal nacional específico sobre o tema. A pesquisa adota uma abordagem qualitativa, de natureza teórico-documental e exploratória, fundamentando-se na análise hermenêutica de normas nacionais e internacionais, bem como na revisão crítica da literatura especializada. Os resultados indicam que, apesar de não vinculantes, ambos os instrumentos oferecem diretrizes compatíveis e complementares que podem orientar a formulação de políticas públicas mais eficazes, resilientes e centradas nos direitos humanos, contribuindo para o enfrentamento das lacunas normativas existentes no país.

**Palavras-chave:** deslocamento interno; desastres; Marco de Sendai; Princípios Orientadores; *soft law*; direitos humanos; políticas públicas.

### **RESUMEN**

El presente artículo examina las posibilidades jurídicas de articulación entre el Marco de Sendai para la Reducción del Riesgo de Desastres (2015–2030) y los Principios Rectores sobre el Desplazamiento Interno, con el objetivo de comprender cómo estos instrumentos internacionales pueden contribuir al fortalecimiento de la protección jurídica de las personas desplazadas internamente por desastres en Brasil. El estudio busca identificar los puntos de convergencia normativa y operativa entre estos marcos de *soft law*, así como evaluar su potencial de integración en el ordenamiento jurídico y en las políticas públicas brasileñas, especialmente ante la ausencia de un marco legal nacional específico sobre la materia. La investigación adopta un enfoque cualitativo, de naturaleza teórico-documental y exploratoria, basado en el análisis hermenéutico de normas nacionales e internacionales, así como en una revisión crítica de la literatura especializada. Los resultados indican que, a pesar de no ser vinculantes, ambos instrumentos ofrecen directrices compatibles y complementarias que pueden orientar la formulación de políticas públicas más eficaces, resilientes y centradas en los derechos humanos, contribuyendo así a enfrentar las lagunas normativas existentes en el país.

**Palabras Clave:** Desplazamiento interno; Desastres; Marco de Sendai; Principios Rectores; Políticas Públicas.

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## 1. INTRODUCTION

Internal displacement caused by disasters has become an increasingly frequent and concerning phenomenon both nationally and globally. It is driven by the intensification of extreme weather events associated with climate change, unregulated urban expansion, and deep-rooted social inequalities. Despite the existence of public policies and institutional frameworks in Brazil aimed at disaster risk management, the country lacks a specific legal framework that formally recognizes and protects individuals internally displaced by such events. This legal gap often results in fragmented, welfare-based responses that fall short of ensuring the full protection of fundamental rights.

In this context, international *soft law* instruments emerge as complementary normative sources capable of guiding the development of public policies and addressing existing legal shortcomings. Among these instruments, two stand out for their normative breadth and international legitimacy: the *Sendai Framework for Disaster Risk Reduction 2015–2030*, adopted under the auspices of the United Nations, and the *Guiding Principles on Internal Displacement*, recognized as the global minimum standard for the protection of internally displaced persons. Both instruments are grounded in a human rights-based approach that emphasizes risk prevention, human dignity, and the pursuit of durable solutions—suggesting a strong potential for normative convergence and complementary implementation.

Against this backdrop, the present study is guided by the following research question: *What are the points of convergence between the Sendai Framework and the Guiding Principles on Internal Displacement, and how can their articulation provide a normative foundation for the protection of internally displaced persons due to disasters within the Brazilian legal system?* The general objective is to analyze the normative and principled convergence between these two international instruments, identifying their combined

potential for advancing legal protection for disaster-induced internal displacement in Brazil. More specifically, the study seeks to: (i) present the legal foundations of both frameworks; (ii) identify shared principles applicable to situations of disaster-induced displacement; (iii) assess their relevance and applicability within Brazil's institutional context; and (iv) propose guidelines for their integration into public policies and the domestic legal order.

This research adopts a qualitative methodology with a theoretical-documentary and exploratory approach. Primary sources include the full texts of the Sendai Framework, the Guiding Principles on Internal Displacement, and relevant Brazilian legislation on civil defense, social protection, and human rights. Secondary sources comprise doctrinal studies and recent academic literature on *soft law*, internal displacement, and disaster governance. The analysis is guided by an international legal hermeneutic framework, complemented by a critical perspective on the role of states in shaping protective legal and policy responses.

This study is justified by the urgent need to address the growing reality of internal displacement in Brazil—exacerbated by recurrent natural disasters—from a legal standpoint, and by the importance of incorporating internationally recognized standards to support the creation of more effective, equitable, and sustainable domestic norms. By exploring the potential for normative articulation between the selected international instruments, this article aims to contribute to the strengthening of legal protection for vulnerable populations and to the advancement of a rights-based, resilient approach to post-disaster reconstruction.

## **2. THE SENDAI FRAMEWORK AND THE PROTECTION OF INTERNALLY DISPLACED PERSONS DUE TO DISASTERS**

The *Sendai Framework for Disaster Risk Reduction 2015–2030* stands as one of the most significant contemporary international instruments in the field of disaster and risk governance. Although it falls within the realm of *soft law*, its normative influence is considerable, providing comprehensive guidelines not only for disaster prevention but also for resilient recovery and the inclusion of vulnerable groups, such as internally displaced persons (IDPs). The framework explicitly acknowledges the growing incidence of disaster-induced displacement and calls for structured actions to prevent it, support mobility when it becomes unavoidable, and pursue durable solutions for displaced populations (Wahlström, 2015).

This perspective aligns the Sendai Framework with core concerns of international human rights law, particularly by incorporating elements such as access to land, security of tenure, and property rights into urban reconstruction strategies and social resilience policies (Eltinay *et al.*, 2018). These elements are essential to ensuring not only the safe return of displaced persons to their communities but also the conditions necessary to rebuild their lives with dignity, participation, and social protection. As Chisty *et al.* (2022) point out, the Framework encourages robust and inclusive policies that address the need of displaced populations from the planning stage through to disaster response and recovery.

In this regard, the principle of *Build Back Better* occupies a central position within the Sendai Framework. This directive guides post-disaster recovery efforts toward strengthening not only physical infrastructure but also livelihoods, health, well-being, and community cohesion among affected populations (Sina *et al.*, 2019; Maly & Suppasri, 2020, pp. 167–178; Chisty *et al.*, 2022). The approach thus seeks to reduce future vulnerabilities and

promote structural transformations in the living conditions of displaced persons—viewing disasters not as endpoints, but as opportunities for more equitable social reconstruction.

Moreover, the Sendai Framework adopts a people-centered approach that is attuned to structural inequalities, emphasizing the need for the active participation of traditionally marginalized groups such as women, children, persons with disabilities, and internally displaced populations (Eltinay *et al.*, 2018; Aitsi-Selmi *et al.*, 2015, pp. 164–176; Zaidi & Fordham, 2021). Community engagement, accessibility, and the recognition of specific vulnerabilities are key elements that, according to Stough & Kang (2015), should shape public policies on disaster risk reduction and response. This approach is particularly relevant in contexts of internal displacement, where legal and institutional invisibility tends to exacerbate human rights violations.

Authors such as Eltinay *et al.* (2018) emphasize the importance of articulating the guideline of the Sendai Framework with binding human rights norms, advocating for an integration of *soft law* and *hard Law* that enhances the legal protection of displaced persons. This normative convergence reinforces the legal basis for claims to dignified resettlement, adequate reparations, and the inclusion of displaced populations in sustainable development policies. As Mizutori (2020) argues, the effective implementation of the Framework also requires addressing data gaps on displacement and adapting strategies to fragile contexts or those affected by multiple and overlapping crises, such as environmental disasters compounded by chronic inequalities.

Thus, although the Sendai Framework does not establish binding legal obligations, it offers valuable guidelines for the development of public policies and for the systematic interpretation of state duties regarding disaster-induced internal displacement. In the Brazilian context—where no specific legal norms exist for environmentally displaced persons—the Framework may serve as an

interpretative foundation for the construction of a legal protection regime based on prevention, resilient reconstruction, and human dignity.

### **3. THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT: LEGAL NATURE AND APPLICABILITY IN DISASTER CONTEXTS**

The *Guiding Principles on Internal Displacement*, adopted by the United Nations Commission on Human Rights in 1998, constitute a fundamental normative milestone for the protection of individuals forced to flee within their own countries, including as a result of natural or human-made disasters. Although they do not constitute an international treaty, the Principles have been widely recognized as the minimum international standard for the protection of internally displaced persons (IDPs), serving as a normative reference in various national and regional contexts (Kälin, 2005; Cohen, 2004).

Their legal nature is typically classified as *soft law*, meaning that they are not legally binding per se, but carry significant normative authority. According to Orchard (2010), the Guiding Principles function as a norm-generating mechanism, shaping domestic legislation, public policy, and administrative decision-making—particularly in contexts where domestic legal frameworks lack specific provisions to address internal displacement. This normative authority is reinforced by the endorsement of international and regional bodies that recommend their incorporation into national legal systems (Cohen, 2004).

Substantively, the Guiding Principles cover all phases of displacement: prevention, protection during displacement, and the pursuit of durable solutions. They guarantee internally displaced persons a range of fundamental rights, including the right to security, humanitarian assistance, physical integrity, freedom of movement, and notably, the right to voluntary and safe return to their places of origin (Breau, 2012). Equally important are the provisions that place the primary responsibility for the protection and assistance of IDPs on national



governments, even when displaced persons are outside formal camps or institutional structures (Kälin, 2005).

Crucially, the Principles explicitly include displacement caused by disasters, dispelling the notion that their scope is limited to contexts of armed conflict or political persecution. In situations of environmental or climate-related emergencies, the application of the Principles helps to ensure that response measures respect the human rights of affected populations, preventing arbitrary removals and ensuring protection throughout all phases of displacement (Cohen, 2024).

Beyond their protective content, the Guiding Principles have been incorporated into domestic legislation and public policy in various countries, particularly in Africa and the Asia-Pacific region (Carr, 2009; Schrepfer, 2012). However, formal adoption alone does not guarantee effective protection. As Orchard (2016), Abebe (2011), and Scott (2020) observe, successful implementation depends on institutional factors such as the existence of independent monitoring bodies, functional democratic systems, and sustained international support.

This international experience demonstrates that the *Guiding Principles on Internal Displacement* not only serve to guide emergency protection policies but also contribute to the development of enduring legal frameworks that integrate disaster response with sustainable development strategies. In the Brazilian context, where no specific legal statute exists for disaster-induced internal displacement, the Principles may serve as both an interpretive and normative tool, guiding the formulation of public policies based on internationally recognized standards of dignity and protection. Thus, even as *soft law*, the Guiding Principles provide a robust, coherent, and adaptable framework for strengthening state responses to disaster-induced internal displacement—reinforcing the connection between human rights, social justice, and community resilience.



#### **4. NORMATIVE CONVERGENCES AND COMPLEMENTARITIES BETWEEN THE SENDAI FRAMEWORK AND THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT**

The legal protection of internally displaced persons (IDPs) due to disasters can be significantly enhanced through the complementary application of the *Sendai Framework for Disaster Risk Reduction (2015–2030)* and the *Guiding Principles on Internal Displacement (1998)*. Although both instruments fall under the category of *soft law*, they converge in recognizing forced displacement as a significant and growing risk, in emphasizing the importance of prevention, coordinated response, and the pursuit of durable solutions for populations affected by disasters.

The Sendai Framework explicitly incorporates human mobility, including internal displacement, within the scope of disaster risk management, acknowledging it as one of the most visible expressions of social vulnerability in the face of extreme events. The document proposes actions to prevent displacement, support inevitable migration, and promote sustainable, rights-based responses (Guadagno, 2016, pp. 30–40).

The Guiding Principles on Internal Displacement, in turn, provide a clear and internationally recognized normative framework for ensuring the fundamental rights of displaced persons, including protection from discrimination, access to humanitarian assistance, freedom of movement, and the right to return. These principles align closely with the foundational elements of the Sendai Framework, particularly in their emphasis on community resilience and the protection of vulnerable groups (Guadagno, 2016; Wahlström, 2015, pp. 200–201).

Both frameworks underscore prevention and risk mitigation as central components of public policy for disaster response. Strengthening communities' adaptive capacity and building territorial resilience are shared strategies aimed

at avoiding forced displacement and promoting the safe permanence of populations in their territories (Guadagno, 2016; Wahlström, 2015).

In addition to these normative similarities, there are also significant operational convergences. The Sendai Framework promotes an integrated approach that combines risk management, sustainable development, and humanitarian action, recommending cross-sectoral and multi-level governmental cooperation (Mena, 2025; Guadagno, 2016). This approach aligns with the inter-institutional coordination model proposed by the Guiding Principles, which requires states to establish effective mechanisms for the protection and assistance of IDPs, particularly during crises.

Another area of intersection lies in the emphasis on the production and use of disaggregated data to inform effective public policies. Both instruments recognize that continuous, evidence-based monitoring is essential for preventing displacement, identifying at-risk populations, and ensuring adequate responses. The lack of reliable data is identified as one of the main obstacles to the effectiveness of protection policies (Krishna et al., 2023; Mizutori, 2020, pp. 147–151).

Finally, both the Sendai Framework and the Guiding Principles affirm the need to pursue durable solutions for displaced persons, based on principles of safe return, local integration, or voluntary resettlement. The informed participation of affected communities is central to this process, ensuring that the solutions adopted respect individual dignity, territorial ties, and survival strategies (Guadagno, 2016).

The following table summarizes the functional complementarity between the two instruments:

**Table 1 – Complementary Application**

<b>Instrument</b>	<b>Primary Focus</b>	<b>Complementary Application</b>
Sendai Framework	Risk reduction, prevention	Supports preventive policies and

		resilience strategies integrated into reconstruction efforts
Guiding Principles on Internal Displacement	Rights and protection of IDPs	Ensures legal protection and human rights during and after forced displacement

**Source:** Prepared by the author, 2025.

The articulation between the two frameworks reinforces both pre-disaster planning and post-disaster response, fostering public policies that combine operational efficiency, social justice, and legal legitimacy. In the Brazilian context, this convergence can serve as a foundation for developing a dedicated legal regime for the protection of disaster-induced IDPs within the scope of the *National System for Civil Protection and Defense (SINPDEC)*, grounded in internationally recognized guidelines.

## **5. APPLICABILITY IN THE BRAZILIAN CONTEXT**

### **5.1 Internal Displacement Due to Disasters in Brazil: Invisibility, Complexity, and Challenges**

Internal displacement caused by disasters in Brazil is a multifaceted phenomenon that remains largely invisible within public policies and national legal frameworks. In a country marked by deep social inequalities, territorial vulnerabilities, and limited coordination across sectoral policies, forced mobility resulting from floods, landslides, prolonged droughts, major infrastructure projects, or violence receives little formal or institutional recognition—undermining the effectiveness of state responses (Muggah, 2015; Randell, 2016; Ramos et al., 2020; Barbosa & Coates, 2021).

In Brazil, displacement is driven by multiple and often overlapping causes. In addition to natural disasters, the country also experiences displacement induced by development projects—such as the construction of dams, highways, or urban interventions—and by armed violence in urban centers. These displacements disproportionately affect populations already in situations of vulnerability, exacerbating processes of social exclusion, housing insecurity, and the weakening of community ties (Muggah, 2015; Ramos et al., 2020).

Although some monitoring initiatives have been implemented - such as the *Integrated Disaster Information System* (S2ID)-significant gaps remain in the categorization, methodology, and coverage of internal displacement data, hindering the development of evidence-based public policies (Ramos et al., 2020). Furthermore, the administrative practice of designating certain urban areas as "risk zones" has often been used to legitimize forced evictions under the justification of disaster prevention, perpetuating historical patterns of urban segregation and the involuntary displacement of marginalized communities (Barbosa & Coates, 2021).

From a social perspective, displacement often results in the loss of housing, the disruption of family and community ties, and difficulties in accessing essential services—thereby deepening poverty and insecurity (Randell, 2016; Cazabat, 2024; Martuscelli, 2021). Studies show that even when financial compensation is provided, resettlement in distant areas or migration to urban centers can compromise the subjective well-being of affected populations, particularly due to the absence of support networks and adequate integration policies (Randell, 2016).

Recent literature suggests that more effective and sustainable responses to disaster-induced displacement in Brazil require the active participation of affected communities in the planning and implementation of preventive actions, as well as the adoption of a human rights-based approach. Such strategies

enhance local agency and reduce the negative impacts of displacement, while also promoting greater legitimacy and equity in public decision-making (Cazabat, 2024; Muggah, 2015).

Given this scenario, it becomes clear that disaster-induced internal displacement in Brazil demands specific legal recognition, inter-institutional coordination, and integrated policies. Data integration, community participation, and alignment with international guidelines—such as the *Guiding Principles on Internal Displacement* and the *Sendai Framework*—represent promising pathways for addressing this challenge in a just, effective, and lasting manner.

## **5.2 Impacts of the Absence of a Specific Legal Framework**

Brazilian legislation in the field of disaster risk management is formally structured around Law No. 12,608/2012, which established the *National Policy on Civil Protection and Defense* (PNPDEC) and organized the *National System for Civil Protection and Defense* (SINPDEC). While this law represents a significant milestone by consolidating principles, guidelines, and the distribution of responsibilities among federal entities, it does not encompass the legal category of internally displaced persons (IDPs) due to disasters. Instead, it refers only to the operational classifications of “homeless” (*desabrigado*) and “displaced” (*desalojado*), definitions that were later updated by Law No. 14,750/2023.

According to current legislation, a homeless person is one who, due to a disaster, requires shelter provided by public authorities or by those responsible for the harmful event, while a displaced person is someone who also had to leave their residence but does not require institutional accommodation. Although these definitions are administratively and operationally useful in emergency contexts, they do not confer specific legal status nor ensure a comprehensive and continuous set of rights for those affected by disasters. Nor

do they adequately reflect the complexity of forced displacement in prolonged or recurrent disaster contexts.

This conceptual and normative gap becomes even more critical in the current context of climate change, in which internal displacement is likely to become more frequent, protracted, and driven by multiple factors. The Brazilian legal framework remains centered on short-term, assistance-based responses and does not establish a distinct legal category that recognizes disaster-induced IDPs as rights-holders entitled to long-term public policies involving prevention, dignified resettlement, access to land, resilient reconstruction, and durable solutions.

Accordingly, it becomes evident that although current legislation represents progress in emergency management, it remains insufficient to address the contemporary challenges posed by internal displacement in Brazil. There is a pressing need for legal reform to incorporate standards established by international instruments such as the *Guiding Principles on Internal Displacement* and the *Sendai Framework*, as advocated throughout this article.

Indeed, the absence of a specific legal framework for disaster-induced internal displacement contributes to the social, legal, and institutional vulnerability of affected populations. Without formal legal recognition of their status and rights, these individuals remain largely invisible to structured public policies, subject to fragmented and reactive state responses (Lopes, 2017; Ps & Philipose, 2024).

Although international human rights and humanitarian law provide parameters for the protection of displaced persons, their effectiveness in the Brazilian context is severely limited by the lack of domestic legal instruments that systematically and bindingly implement these standards. The gap between Brazil's international commitments and their translation into concrete public policies remains a significant obstacle to the full realization of the rights of displaced persons (Lopes, 2017).

This normative void also contributes to structural inequality in responses to disaster displacement, which become contingent on ad hoc policies, local administrative capacity, and, at times, the involvement of international organizations or civil society actors. Such a scenario exacerbates regional and institutional disparities, undermining the principle of equality in the protection and access to rights (Ps & Philipose, 2024).

### **5.3 Possibilities for the Incorporation of International Instruments**

Given this scenario, the incorporation of *soft law* instruments such as the *Sendai Framework* and the *Guiding Principles on Internal Displacement* emerges as a legally viable alternative. These principles, widely recognized by the international community, offer a systematic set of guidelines that cover all phases of internal displacement and are aligned with core constitutional principles of Brazilian law, including human dignity, non-discrimination, and the social function of the State (Ps & Philipose, 2024).

Several countries have already adopted national legislation inspired by these principles, enshrining legal norms that recognize the right not to be arbitrarily displaced, ensure protection during displacement, and promote durable solutions for those affected (Dirikgil, 2022). This process of normative transformation has strengthened state responses and legal protection in the countries where it has been implemented, demonstrating that while *soft law* is not legally binding per se, it can be positively incorporated into domestic law through legislative action (Jubilut, 2006; Dirikgil, 2022).

The following table summarizes the nature and potential for incorporation of the international instruments discussed into the Brazilian legal framework:



**Table 2 – Incorporation of International Instruments**

<b>International Instrument</b>	<b>Legal Nature</b>	<b>Possible Incorporation in Brazil</b>	<b>Limitations</b>
Guiding Principles on Internal Displacement	Soft law	Normative inspiration for specific domestic legislation	Not binding without formal incorporation into national law
International Human Rights Law	Combined Hard/soft law	Basis for public policies and administrative decision-making	Requires regulation and legislative implementation

**Source:** Prepared by the author, 2025.

In this regard, the formulation of a specific national legal instrument addressing disaster-induced internal displacement could serve as a catalyst for the effective implementation of these international frameworks in Brazil, enabling the operationalization of commitments already undertaken by the country in the field of human rights and the protection of vulnerable populations.

One of the most direct ways to incorporate *soft law* norms is through their transposition into domestic legislation—a practice already observed in areas such as financial regulation, international accounting standards, and environmental policy. Once transformed into national laws, these norms acquire binding legal force and greater durability, even though they may lose some of the flexibility that characterizes *soft law* (Newman & Bach, 2014; Milano & Zugliani, 2019).

Another relevant avenue—particularly suited to the Brazilian context—is the interpretive use of *soft law*, whereby international principles or guidelines are employed by judges, public administrators, or legislators as hermeneutic criteria to apply or further develop domestic norms, especially in legal fields that are still in the process of normative maturation, as is the case with disaster-induced internal displacement governance (Hartlapp & Hofmann, 2021; Englisch, 2024; Skjrseth et al., 2006). In this sense, the *Guiding Principles* and

the *Sendai Framework* can operate as both technical and ethical references for the design and interpretation of public policies related to prevention, emergency response, and reconstruction.

In specific contexts, *soft law* norms can also be contractualized, becoming binding between parties through intergovernmental agreements, protocols, or administrative conventions—as demonstrated in international experiences related to data protection and environmental cooperation (Senden & Scott, 2015).

The effectiveness of incorporating *soft law* norms, however, depends on the institutional and political context. Research indicates that the maturity of the political and policy environment positively influences the acceptance of such norms, particularly when national actors are socialized with international standards or when there is sufficient technical capacity to implement them (Hartlapp & Hofmann, 2021; Bérut, 2021). In Brazil, the field of disaster risk and civil defense policy already shows a certain level of institutionalization under the *National Civil Protection Policy*, which favors this normative transition.

Another important factor is political and social pressure for regulatory reform, often catalyzed by environmental crises or large-scale disasters. In such scenarios, *soft law* can act as a normative pressure tool, encouraging the adoption of more protective and comprehensive legislation (Skjrseth et al., 2006). However, this process must be balanced by principles of democratic legitimacy and legal certainty, particularly in sensitive areas such as housing, resettlement, and the allocation of public resources (Englisch, 2024).

Based on this rationale, several practical and promising strategies for incorporating the *Sendai Framework* and the *Guiding Principles* into the Brazilian context can be envisioned. From a legal perspective, the Sendai Framework may serve as a normative reference for updating national and subnational legislation related to risk management, civil protection, and land-use planning, including the incorporation of specific provisions on internal

displacement. Human mobility—explicitly recognized in the Framework as a relevant dimension of risk governance—could be integrated into preventive public policies, municipal master plans, and climate adaptation strategies, thus aligning Brazil’s international commitments with domestic legislative practices (Guadagno, 2016, pp. 30–40).

Complementarily, the *Guiding Principles on Internal Displacement* may be formally incorporated as guiding principles in Brazilian laws and public policies, particularly in the areas of social assistance, health, housing, and civil protection. While not legally binding, these principles enshrine internationally accepted standards of protection—such as the right to humanitarian assistance, non-discrimination, and the pursuit of durable solutions—contributing to the strengthening of the normative foundation for the protection of displaced populations (Kälin, 2005).

The effectiveness of these norms also depends on the availability of reliable data. Both the Sendai Framework and the Guiding Principles highlight the importance of collecting and continuously monitoring disaggregated data on displacement. Brazilian legislation could provide for the creation of integrated information systems to diagnose, map, and track internal displacement flows, thereby supporting evidence-based public policy and facilitating coordinated intergovernmental responses (Krishna et al., 2023, pp. S57–S58).

From an institutional standpoint, several possibilities exist for transversal and intersectoral integration. One key strategy is the explicit inclusion of human mobility and internal displacement in national, state, and municipal disaster risk management plans, treating them as components of planning and prevention tools (Guadagno, 2016). Such inclusion fosters harmonization across civil defense, urban development, health, and social assistance actions, promoting a human rights-based and resilience-oriented approach.

Another possibility is the establishment or designation of specific institutional structures for the monitoring, prevention, and response to disaster-

induced internal displacement. These structures could operate in line with international recommendations, functioning as technical units within the public administration to ensure continuity, specialization, and coordination across different levels of government (Guadagno, 2016).

Finally, it is essential to strengthen coordination between the civil defense, social assistance, housing, and health systems in order to build integrated and human-centered responses. Given the cross-cutting nature of internal displacement, state action must overcome institutional and sectoral silos, adopting a collaborative approach centered on human dignity (Guadagno, 2016).

The following table summarizes the normative and institutional incorporation possibilities of the international instruments analyzed:

**Table 3 – Possibilities for Incorporation in Brazil**

<b>International Instrument</b>	<b>Possibility of Incorporation in Brazil</b>
Sendai Framework	Updating of risk management laws and plans; inclusion of human mobility as a dimension of prevention
Guiding Principles on Internal Displacement	Inclusion as guiding principles in public policies and legislation, ensuring rights and legal protection

**Source:** Prepared by the author, 2025.

The legal and institutional feasibility of adopting these international frameworks in Brazil reinforces the need to move forward in developing a national regime for the protection of internally displaced persons due to disasters—grounded in the integration of disaster risk governance, social justice, and human rights.

## **6. CONCLUSION**

Internal displacement caused by disasters is a growing phenomenon in Brazil and worldwide, demanding legal and institutional approaches that recognize the centrality of human rights and the complexity of the vulnerabilities involved. Based on an analysis of the *Sendai Framework for Disaster Risk Reduction* and the *Guiding Principles on Internal Displacement*, this article has demonstrated that there are significant normative and operational convergences between these two *soft law* instruments, with strong potential for coordinated application in the protection of internally displaced persons affected by extreme events.

The study revealed that both instruments share foundational principles such as risk prevention, resilient recovery, state responsibility, and the participation of affected populations, offering a common basis for the development of integrated public policies. While non-binding, their guidelines already influence international practices and can serve as interpretive parameters and legislative inspiration for domestic law—particularly in countries like Brazil, where no specific legal framework currently exists for disaster-induced internal displacement.

The absence of such legislation in the Brazilian legal system results in protection gaps, legal uncertainty, and fragmented institutional responses. In this context, the progressive and strategic incorporation of *soft law* instruments—such as those analyzed in this study—represents a promising path toward the development of more effective, equitable public policies aligned with Brazil's international commitments in the fields of human rights and sustainable development.

This article has demonstrated that multiple legal and institutional pathways exist for the incorporation of these instruments, whether through normative transposition, interpretation in accordance with international principles, intergovernmental contractualization, or integration into intersectoral

plans and public policies. International experience shows that these strategies are both feasible and effective, provided they are supported by political will, institutional capacity, and qualified social engagement.

Based on these findings, this study recommends that Brazil move forward in formulating a national legal framework for the protection of internally displaced persons due to disasters—one that incorporates the principles of the *Sendai Framework* and the *Guiding Principles on Internal Displacement*, and contributes to the establishment of a state response that is more just, resilient, and grounded in human dignity.

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