

IPI

INTERNATIONAL
PEACE
INSTITUTE



PERMANENT DELEGATION
OF NORWAY TO THE OSCE



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

On September 5, 2012, Norway and Switzerland co-hosted a workshop in Vienna on forced displacement with the support of the United Nations High Commissioner for Refugees (UNHCR). The workshop was designed to look at the impact of natural disasters and climate change on displacement. Particular attention was paid to the legal, policy, and knowledge gaps regarding people who cross borders when fleeing from disasters. Participants were briefed on the Nansen Initiative, which is designed to build consensus on key principles and elements regarding the protection of persons displaced across borders.

The workshop brought together representatives from relevant international, regional, and non-government organizations as well as interested states and civil society.

Walter Kemp, IPI's Director for Europe and Central Asia, chaired the meeting and prepared this meeting note. It reflects the *rapporteur's* interpretation of the seminar discussion and not necessarily the views of the participants.

IPI owes a debt of gratitude to its many generous donors, particularly Norway and Switzerland, whose support made this publication possible.

Disasters and Displacement: Improving Preparedness and Protection

MARCH 2013

In the past, forced displacement was usually the result of conflict and related human rights violations. However, people increasingly are being forced to leave their homes as a result of disasters. Over the past few years the number of people displaced as a result of natural disasters has far exceeded those displaced by conflict. Why is this happening? What are the consequences? And what can be done about it?

These issues were the focus of a workshop on forced displacement and natural disasters co-hosted by Norway and Switzerland in Vienna on September 5, 2012. The workshop brought together representatives from states as well as international and non-governmental organizations to share their experiences in dealing with post-disaster displacement and to discuss ways of finding durable solutions for those affected by such dramatic events. It also provided an opportunity to identify and close gaps in international law and policy, particularly in relation to the rights of persons who cross borders seeking refuge as a result of natural disasters. The workshop participants were also briefed on the new Nansen Initiative, an intergovernmental process launched by Norway and Switzerland that seeks normative and institutional measures to protect people displaced by natural disasters.

More People are Being Displaced by Disasters

The frequency and intensity of natural disasters are increasing. Sudden-onset disasters such as floods, storms, wildfires, earthquakes, and volcanoes as well as more slowly developing disasters such as droughts, desertification, and extremes in temperature are uprooting a growing number of people around the world. No country is immune from the forces of nature. These disasters worsen the lives of many people in the developing world who are already living in vulnerable conditions. However, developing countries are not the only ones at risk: many rich countries have been hit by severe weather conditions in recent years that have caused major damage and displacement.

The vast majority of people displaced as a result of natural disasters stay within their home countries. As a result, they are considered internally displaced persons (IDPs) rather than refugees. Nevertheless, a minority of displaced people are forced to cross borders as a result of natural disasters.

According to the International Displacement Monitoring Centre (IDMC), in 2010 alone, over 42 million people were *newly* displaced by sudden-onset natural disasters. In 2011, approximately 15 million people were also newly displaced for the same reasons in at least sixty-one countries, with the worst

effects being felt in Africa and Asia.¹ The majority of such displacements have been due to a small number of mega-disasters. Although mega-disasters are relatively rare, their results are devastating. Recent examples include the terrible combination of earthquake, tsunami, and nuclear catastrophe in Japan; massive floods in Australia and Pakistan; huge forest fires in Greece and Russia; droughts in China and East Africa; and a devastating earthquake in Haiti.

Climate change is also expected to have a larger impact on population movements. As early as 1990, the Intergovernmental Panel on Climate Change warned that the single greatest impact of climate change could be human migration. The importance of climate-induced displacement and the need to put in place adaptation measures to address it were recognized by the United Nations Framework Convention on Climate Change (UNFCCC) at its meeting in Cancun, Mexico in December 2010. In Article 14 (f) of the Cancun Agreement, all Parties to the Convention are invited to undertake “measures to enhance understanding, co-ordination and cooperation with regard to climate change-induced displacement, migration, and planned relocation, where appropriate, at the national, regional and international levels.”²

At the workshop, Professor Andrey Kostiany of the Institute of Oceanology of the Russian Academy of Sciences provided data (primarily on North Africa and Central Asia) that demonstrated the impact of climate on migration. For example, in the capitals of four Central Asian states, the annual mean temperature has risen by three degrees in the past fifty years while humidity and accumulated rainfall have decreased significantly. Professor Kostiany hypothesized that migration outflows (particularly toward Western Europe) could be triggered in regions that experience increases in air and soil temperature, decreases in precipitation, increases in evaporation and aridity, as well as land degradation, desertification, salinization of soils, and more frequent extreme weather events.

It is estimated that by 2050, 200 million people will be affected by climate change. In contrast to high-impact and highly visible mega-disasters, slow-onset environmental problems caused inter alia by climate change are relatively under-reported. Nevertheless, they can have a serious effect on low-income households and communities by undermining resilience and aggravating or creating new vulnerabilities. Environmental disruptions can, for example, increase competition over scarce resources, cause loss of livelihoods, and increase security concerns.

Protecting the Vulnerable

Resource scarcity exacerbated by worsening weather conditions is increasingly described by IDPs and refugees as a multiplier or magnifier of pre-existing conflicts, creating tensions that are causing people to migrate. In fact, many disaster zones are equally or even more devastating than war zones. As José Riera of the Office of the United Nations High Commissioner for Refugees (UNHCR) said, “even where the cause of displacement—whether internal or cross-border—is primarily environmental, the affected populations may have protection needs and vulnerabilities similar to those whose flight is provoked by violence or human rights abuses.”

As pointed out by Chaloka Beyani, UN Special Rapporteur on the Human Rights of Internally Displaced Persons, it is important to consider displacement within the broader context of other “mega-trends” such as population growth, increased human mobility, urbanization, and food and water insecurity. For example, more extreme weather conditions could exacerbate or even trigger social conflict and migration due to water scarcity and food insecurity.³ The combination of drought and famine in the Horn of Africa in 2011 was cited as an example of the deadly interplay of deteriorating environmental conditions, political instability, and conflict.

1 See “Global Estimates 2011: People Displaced by Natural Hazard-induced Disasters,” Internal Displacement Monitoring Centre (IDMC) and the Norwegian Refugee Council, June 2012.

2 United Nations Framework Convention on Climate Change, “Report of the Conference of the Parties on its Sixteenth Session, Held in Cancun from 29 November to 10 December 2010,” UN Doc. FCCC/CP/2010/7/Add. 1, March 15, 2011.

3 At the Rio + 20 Conference on sustainable development, UNHCR launched a joint publication with United Nations University and the London School of Economics, “Climate Change, Vulnerability and Human Mobility: Perspectives of Refugees from the East and Horn of Africa,” Report No. 1, June 2012.

Small islands are especially vulnerable. The effects of climate change already are having an impact on the right to housing, safe water, and livelihood for many small islands. Locations such as the Maldives are being affected by coastal erosion, salination, rising sea levels, and more frequent storms and flooding. Affected persons will need protection and assistance to find durable solutions as their small islands become uninhabitable or need to be rehabilitated. Planned relocations may become necessary. Participants discussed the applicability of the solidarity principle in such cases and raised a number of questions: What will happen to individuals in the future if certain island states disappear? Where should the inhabitants go? And what are their rights if they are displaced?

Mr. Beyani previously has defined forced displacement due to natural disasters as one of the four priorities of the first term of his mandate. In the meeting, he emphasized the need for a three-pronged approach:

- 1) Establish environmentally sustainable development policies combined with disaster risk reduction and management.
- 2) Structure robust national IDP frameworks in line with international standards.
- 3) Develop creative alternative domestic solutions and international arrangements with neighboring and other countries to safeguard the universal human rights of their citizens.

More generally, Mr. Beyani stressed the need for respecting the human rights of displaced people. As stated in the Nansen Principles (described further in this meeting note's final section),

national and international policies and responses, including planned relocation, need to be implemented on the basis of non-discrimination, consent, empowerment, participation and partnerships with those directly affected, with due sensitivity to age, gender and diversity aspects. The voices of the displaced or those threatened with displacement, loss of home or livelihood must be heard and taken into account, without neglecting those who may choose to remain.⁴

Another risk factor identified by researchers is the increasing number of displaced people who are

moving into hazard-prone areas (e.g. low-lying areas) that make them vulnerable to further disasters, the loss of housing, and further displacement. Participants observed that refugees are already huddling in climate change hot spots around the globe.⁵

This relocation pattern is partly an urban phenomenon. Today, more than half of the world's population live in urban areas, of which, one third live in precarious informal settlements and slums. These numbers are expected to increase due in part to an influx of IDPs displaced by sudden-onset natural disasters to big cities. Many cities are unprepared for this eventuality.

With few resources, IDPs moving to cities are likely to live in substandard housing conditions with little or no security of tenure. They will often move to informal settlements such as urban slums, where they will be more vulnerable to evictions and generally more difficult to identify and assist as they join the masses of the urban poor. Mr. Beyani said that "it is critical that IDPs be provided better options than this, through timely and durable solutions so that climate-induced displacement does not also add to the social pressures and precarious human conditions associated with rapid and unplanned urban migration."

Increased Attention and Knowledge

It has been recognized internationally that responses to climate- and environmentally-related displacement need to be informed with adequate knowledge.⁶ During the workshop, participants noted that increasing attention to migration and the environment has resulted in a number of important scientific studies and policy recommendations. Research mentioned at the workshop included a study by the Vienna-based International Centre for Migration Policy Development (ICMPD) on "climate refugees," data collected by the IDMC, a report commissioned by the UK government entitled "Migration and Global Environmental Change" (also known as the Foresight Report), the European Commission's Environmental Change

⁴ See Nansen Principle X. For the Nansen Principles see www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen_prinsipper.pdf.

⁵ See "Climate Change, Vulnerability and Human Mobility."

⁶ Nansen Principle I.

and Forced Migration Scenarios project (EACH-FOR),⁷ as well as reports produced by the Norwegian Refugee Council.

Participants stressed that it is essential that work should continue in this area in order to improve monitoring of displacement patterns, the availability and quality of data collection, and appropriate prevention and response systems.

Improving Prevention and Response

As natural disasters become more frequent and more severe, prevention and preparedness need to be further strengthened at all levels.⁸ “Adequate response to a disaster depends on adequate preparedness,” said Goran Svilanovic, the Organization for Security and Co-operation in Europe’s (OSCE) Coordinator for Economic and Environmental Activities. To ensure that states are better prepared and can respond quickly during a time of crisis, it is vital to have standby arrangements or joint training and regular contacts and exchanges between those national and local actors that carry responsibility for operations on the ground. At the meeting, OSCE’s activities of this nature were outlined, including its fire management training in the Caucasus and Southeastern Europe. It was noted that disaster relief can also be a useful confidence-building measure.

The need for awareness raising, training, and capacity building were highlighted as well as the need for legal frameworks and policies on disaster risk reduction and internal displacement. It was suggested that regional organizations (e.g., the African Union, the Organization of American States [OAS], and the OSCE) could do more to facilitate the exchange of good practices and help countries to build national capacity and promote regional cooperation in preparedness and relief.

Notwithstanding possible regional contributions,

states have the primary responsibility to protect their populations. The national experiences and expertise of Spain and Thailand were profiled as case studies, particularly in relation to disaster preparedness and relief. Spain has a multi-sectoral national platform for disaster risk reduction, a General Directorate for Civil Protection and Emergencies that has comprehensive procedures in place to exchange relevant information during disasters, and an Office for Humanitarian Action that has developed coordination and response mechanisms to deal with emergencies abroad. Thailand has developed considerable expertise in disaster preparedness and response as a result of dealing with floods, landslides, and the tsunami in the Indian Ocean in December 2004.

Mr. Beyani highlighted the importance of strategies “to more effectively transition from humanitarian assistance to early recovery and development” so that displacement does not become protracted. He also stressed that disaster relief should be framed within the context of development and human rights as well as humanitarian assistance.

In addition to increased national and regional capacity, the international disaster response system needs to be reinforced. Participants were briefed on the current system of “protection clusters” in the UN system. Under this system, the humanitarian leadership role in natural disaster situations is currently decided on a case-by-case basis by the United Nations Children’s Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), and UNHCR.

As stated in the Nansen Principles, “the development of multi-hazard early warning systems linking local and global levels is critical.”⁹ This is currently being addressed in the context of the HOPEFOR initiative on improving the effectiveness and coordination of military and civil defense assets (MCDA) for natural disaster relief.¹⁰

⁷ This project covered twenty-three case studies from around the world, looking at the impact of climate change on migration.

⁸ See United Nations Office for Disaster Risk Reduction, “Hyogo Framework for Action 2005-2015: Building Resilience of Nations and Communities to Disasters,” Kobe: World Conference on Disaster Reduction Final Report, UN Doc. A/CONF.206/6, 2007.

⁹ See Nansen Principle VI.

¹⁰ See UN General Assembly Resolution 65/307 (August 25, 2011), UN Doc. A/RES/65/307.

Closing the Legal Gap

The rights of people who become IDPs as a result of disasters are covered by the 1998 *Guiding Principles on Internal Displacement*,¹¹ as well as a few regional instruments like the Kampala Convention.¹² These principles, which are based on standards of international human rights and humanitarian law, provide an internationally recognized framework for the protection of IDPs. It was stressed that it is critical that these standards be translated into national laws and policies for the sake of disaster risk reduction and management. As one participant put it, “this is an essential ingredient of good governance in the age of climate change.”

While the rights of refugees are clearly laid out in a number of legally binding international treaties, particularly the 1951 *United Nations Convention Relating to the Status of Refugees*, there is a normative gap when it comes to people externally displaced (i.e., forced to leave their country) due to natural disasters. These people are in most cases not refugees under international refugee law, and human rights law does not address critical issues such as their admission, stay, and human rights. Criteria to distinguish between forced and voluntary movements induced by natural disasters have not yet been elaborated.

There is also a lack of clarity as to who should deal with the issue. As UNHCR representative José Riera pointed out, “there is presently an institutional gap as well since no operational organization is mandated to assist and protect persons displaced internally or externally owing to natural disasters.” As Thomas Greminger, the ambassador of Switzerland said, “normative, institutional, and organizational gaps with regard to dynamics of displacement, in particular across borders, and the protection of the concerned people need to be addressed and resolved.”

According to UNHCR, an analysis of existing national legislation indicates that some countries (e.g., the United States) have included provisions whereby persons affected by natural disasters who

are already in a host country would not be *returned* to their countries of origin and would enjoy a form of temporary protection. However, the vast majority of states make no provision in their legal frameworks for the legal *entry* and *sojourn* of people exposed to the impacts of climate change or residents of islands subjected to sea-level rise. As Mr. Riera pointed out, “even if they are not *refugees*, such people are entitled to be supported and to have their voices heard and taken into account.” But what form should that support take?

The Nansen Initiative

In 2011, a number of meetings were held in order to address the legal gap and to focus on the issue of cross-border forced displacement and natural disasters. In February 2011, UNHCR hosted the “Belaggio Roundtable on Climate Change and Displacement.” The meeting concluded that a more systemic approach is needed to tackle the issue of disaster-induced displacement.

A major step in this direction came in June 2011 when Norway hosted The Nansen Conference in Oslo in order to identify and address the challenges presented by disaster-induced displacement. The conference was named after Fridtjof Nansen, who was the first High Commissioner for Refugees, a Norwegian scholar, polar explorer, and Nobel Prize winner. More than 200 participants—representing governments, inter- and non-governmental organizations, as well as the private sector—from over forty countries took part.

The conference concluded by identifying ten Nansen principles. The ninth principle states that “a more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced externally owing to sudden-onset disasters. States, working in conjunction with UNHCR and other relevant stakeholders, could develop a guiding framework or instrument in this regard.”

To that end, it was hoped that the legal gap concerning the rights of persons who cross borders

11 These principles were formulated in 1998 by the Representative of the UN Secretary-General on Internally Displaced Persons, Francis Deng, and submitted to the then UN Commission on Human Rights. Available here: www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=3d4f95e11.

12 The *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa*, also known as the Kampala Convention, was adopted in October 2009 and became legally binding on December 6, 2012. It is the first legally binding continental instrument in the world that imposes on states the obligation to protect and assist IDPs.

as a result of natural disasters could be addressed at UNHCR's ministerial meeting in Geneva in December 2011. However, many states signaled that they were not ready to discuss, elaborate, or accept new international obligations in this regard. Seeking a way to develop the issue further, Norway and Switzerland joined by Germany, Mexico, and Costa Rica, pledged "to cooperate with interested states, UNCHR, and other relevant actors with the aim of obtaining a better understanding of such cross-border movements at relevant regional and sub-regional levels, identifying best practices, and developing a consensus on how best to assist and protect the affected people." The pledge was welcomed by several states and provides the basis for the Nansen Initiative.

The Nansen Initiative is a state-led process managed by a steering group with a balanced representation from the global South and North. The initiative was officially launched in Geneva and New York in October 2012. In addition to Norway and Switzerland, Australia, Bangladesh, Costa Rica, Germany, Kenya, Mexico, and the Philippines are already on board. The inter-governmental process is supported by a consultative committee (composed of NGOs, international organizations, and academics with expertise in the field) as well as a small secretariat based in Geneva. The process is coordinated by an envoy, Professor Walter Kälin, who is an internationally recognized Swiss law professor and former Representative of the Secretary-General on the Human Rights of Internally Displaced Persons.

The overall goal of the Nansen Initiative is to gradually build consensus on key principles and elements regarding the protection of persons displaced across borders. This consensus would then set the agenda for future action at the

domestic, regional, and international levels. As explained by the UNHCR representative, the initiative will generate an agenda for the protection of people displaced across international borders in the context of natural disasters based on three core pillars:

- 1) international cooperation and solidarity among states;
- 2) standards of treatment regarding admission, stay, and transition towards solutions;
- 3) more robust operational responses, including in the areas of preparedness, cross-border assistance, solutions, and the respective roles of relevant disaster management, humanitarian, and development actors.

The Nansen Initiative will take the form of a bottom-up process of consultations in five sub-regions particularly affected by disaster-induced displacement that offers the opportunity for states to exchange experiences, share best practices, and begin to develop a consensus on the key normative, institutional, and operational elements. It will enable a strengthened research agenda and allow refugee and climate change experts to work together.

In conclusion, as Ambassador Robert Kvile of Norway pointed out, forced displacement due to disasters and climate change is a major international problem that is bound to get worse. Therefore a more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced by such catastrophic events. In particular, possible legal gaps need to be closed concerning the protection of people displaced externally due to sudden-onset disasters.

Agenda

Workshop on Forced Displacement and Natural Disasters

Vienna, Austria

Wednesday, September 5, 2012

15:00 – 15:30 **Introduction**

Opening Remarks

H.E. Thomas Greminger, *Ambassador, Permanent Representative of Switzerland to the Organization for Security and Co-operation in Europe (OSCE), the United Nations and the International Organizations in Vienna*

Key Note Speech

Dr. Chaloka Beyani, *Special Rapporteur on the Human Rights of Internally Displaced Persons, United Nations Office of the High Commissioner for Human Rights (OHCHR)*

15:30 – 16:15 **Forced Displacement and Disasters: Coping with a Growing Challenge**

Speakers

Nina M. Birkeland, *Head of Policy and Research, Internal Displacement Monitoring Centre (IDMC)*

Professor Andrey G. Kostianoy, *P.P. Shirshov Institute of Oceanology, Russian Academy of Sciences (IO RAS)*

Tine Ramstad, *Adviser Climate Change Advocacy, Norwegian Refugee Council (NRC)*

16:15 – 17:15 **Country Experiences and Regional Developments**

Speakers

Goran Svilanovic, *Coordinator of OSCE Economic and Environmental Activities*

Albert Kraler, *Programme Manager, Research, International Centre for Migration Policy Development (ICMPD)*

H.E. Somsak Suriyawong, *Ambassador of the Kingdom of Thailand to Austria*

H.E. Fernando Valderrama, *Head of Mission, Permanent Mission of Spain to the OSCE*

17:15 – 18:00 **The Way Forward and Discussion**

Speaker

José Riera, *Senior Adviser, Division of International Protection, Office of the United Nations High Commissioner for Refugees (UNHCR)*

Concluding Remarks

H.E. Robert Kvile, *Ambassador, Permanent Representative of Norway to the OSCE*

The **INTERNATIONAL PEACE INSTITUTE (IPI)** is an independent, international not-for-profit think tank with a staff representing more than twenty nationalities, with offices in New York, facing United Nations headquarters, and in Vienna. IPI is dedicated to promoting the prevention and settlement of conflicts between and within states by strengthening international peace and security institutions. To achieve its purpose, IPI employs a mix of policy research, convening, publishing, and outreach.



777 United Nations Plaza, New York, NY 10017-3521, USA

TEL +1-212-687-4300 FAX +1-212-983-8246

Freyung 3, 1010 Vienna, Austria

TEL +43-1-533-8881 FAX +43-1-533-8881-11

www.ipinst.org