

FORCED MIGRATION review

Issue 49
May 2015

Disasters and displacement in a changing climate

*plus articles on: Cartagena +30, organ trafficking, animals,
distrust on the Thai-Burma border, and sweet tea in Jordan
and mini-feature on FGM*



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Forced Migration Review

(FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford.

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ISSN 1460-9819

Designed by

Art24 www.art-24.co.uk

Printed by

Fine Print (Services) Ltd
www.fineprint.co.uk



This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of Forced Migration Review and can in no way be taken to reflect the views of the European Union. (See p76.)



From the editors

In light of the projected increase in the frequency and intensity of disasters associated with climate change, it is anticipated that the number of people displaced in the context of disasters – already significant – will rise. In the years since our 2008 issue on 'Climate change and displacement', the relocation of people at risk, the need for adaptation to the effects of climate change and the legal challenges around people displaced by climate-related threats are all being widely debated and researched.

Existing national, regional and international legal regimes, however, respond to only some of the protection concerns arising from displacement in the context of disasters. Crafting an appropriate response will demand a cross-sectoral approach – technical and scientific, political, humanitarian, human rights and developmental, among others – that addresses different forms of human mobility (displacement, migration and planned relocation). But while the voices of scientists, academics, politicians and development practitioners dominate the climate change debates, one of the authors here reminds us that "local knowledge, values and beliefs are essential elements of navigating the way forward for affected communities". The articles in this issue attempt to reflect the research, the debates and the voices.

In 2015, the Nansen Initiative, led by the Governments of Norway and Switzerland, is bringing together states to discuss a Protection Agenda addressing the needs of people displaced in the context of disasters caused by natural hazards, including those linked to climate change. Some articles in this issue of FMR emanate from the Nansen Initiative's regional consultations and civil society meetings that have been taking place since 2013.

We would like to thank Hannah Entwisle Chapuisat of the Nansen Initiative and Jeff Crisp for their assistance as advisors on this issue.

The full issue and all the individual articles are online in html, pdf and audio formats at www.fmrreview.org/climatechange-disasters. This issue will be available in print and online in English, Arabic, French and Spanish. An expanded contents listing for the issue is available at www.fmrreview.org/climatechange-disasters/FMR49listing.pdf. Email fmr@qeh.ox.ac.uk if you would like print copies.

This issue also contains a mini-feature on **female genital mutilation (FGM) in the context of asylum in Europe**, available both inside this issue and as a stand-alone pdf at www.fmrreview.org/climatechange-disasters/FGM.pdf for separate use.

Please help disseminate this issue as widely as possible by circulating to networks, posting links, mentioning it on Twitter and Facebook and adding it to resources lists.

Details of our **forthcoming issues** – on the Western Balkans '20 years on from the Dayton Agreement', and on 'Thinking ahead: displacement, transition and solutions' – can be found at www.fmrreview.org/forthcoming. Join us on Facebook or Twitter or sign up for email alerts at www.fmrreview.org/request/alerts.

With our best wishes

Marion Couldrey and Maurice Herson
Editors, Forced Migration Review

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Foreword

Børge Brende and Didier Burkhalter

While the international community has already been addressing many aspects of disasters, climate change and human mobility, in order to really make progress it is essential to bring together different strands of the discussion so as to develop a comprehensive response that also anticipates future challenges associated with climate change. The Governments of Norway and Switzerland are contributing to the development of future responses to disaster displacement through the Nansen Initiative.

In March 2015, the Pacific island state of Vanuatu was hit by a Category 5 tropical cyclone, stronger than any previously experienced on the islands – with at least 166,000 inhabitants, leaving 75,000 homeless and inadequate shelter and 110,000 in need of fresh water.

Projections indicate that previously known unprecedented extreme weather events may become the norm rather than an exception. Worldwide, sudden-onset hazards such as earthquakes, floods, landslides and tropical storms displaced some 165 million people between 2008 and 2013. Consequently, both sudden- and slow-onset climate-related hazards – combined with rapid urbanisation, population growth and preexisting social vulnerabilities and poverty – are likely to increase displacement and migration in the future, including across international borders.

States have prepared for ground-breaking climate change and migration when they agreed on paragraph 14 of the Cancun Adaptation Framework in December 2010, calling upon themselves to undertake “measures to enhance an understanding, coordination and cooperation with regard to climate change-induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels”.

The Nansen Initiative

The Nansen Initiative was established by the governments of Norway and Switzerland in 2012. It is a voluntary initiative on climate change and human mobility, with the aim of providing a platform for international cooperation on the issue.

disasters, including those linked to the effects of climate change. It has since organised a series of regional consultations to bring together a wide range of representatives from governments, civil society, international organisations and experts.

As a result of the consultations we now know a lot more about the impacts of disasters and climate change on displacement and migration, and have identified effective practices currently used to prevent, prepare for and respond to such challenges, such as when people are forced to flee across international borders. Potential areas of future action have been compiled in a ‘rotection Agenda’ on cross-border displacement in the context of disasters and climate change, which will be presented and discussed during a global intergovernmental consultation in Geneva in October 2015.¹

Findings from the Initiative have already been fed into various international policy agendas. Prevention of displacement and migration as adaptation turned out to be a major concern of state leaders and for this reason it was important to bring these issues to the table of the negotiators of the 2015 Framework for Disaster Preparedness. We are happy that the language about displacement adopted by the Sendai meeting in March 2015 is.² The initiative has also translated the language into regional instruments in Cartagena +30 declaration.

One of the issues of FMR about how climate change will affect us in terms of mobility could not have been better. The international global consultation of the

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Nansen Initiative coming up in Geneva in October and the C-21 meeting in Paris one month later,³ the international community has a significant opportunity to make sure that human mobility in the context of natural disasters is addressed in a more coherent and comprehensive manner.

Børge Brende and Didier Burkhalter are the Foreign Ministers of Norway and Switzerland respectively.

1. www.nanseninitiative.org/global-consultations/
2. www.wdrr.org/uploads/colit_al_Declaration_f_CD.pdf
3. www.op21paris.org/

The Nansen Initiative: building consensus on displacement in disaster contexts

Walter Kälin

Over almost three years, the Nansen Initiative consultative process has identified a toolbox of potential policy options to prevent, prepare for and respond to the challenges of cross-border displacement in disaster contexts, including the effects of climate change.

The Nansen Initiative was initially launched by the Governments of Switzerland and Norway in October 2012, recognising that under existing international law there is no assurance of protection for persons displaced to find safety, and that there will be considerable challenges to find durable solutions. The Initiative's primary purpose is to build consensus among affected states about how they could adequately respond to the challenge of cross-border displacement in the context of disasters, including the adverse effects of climate change. It is an informal, non-governmental consultative process involving members of the Nansen Initiative in five sub-regions (the Caribbean, the Americas, the Greater Horn of Africa, South Asia and South-East Asia), and society meetings in these same regions. The consultations emphasised the need to distinguish between cross-border displacement, and human mobility more generally within disaster contexts. Furthermore, the consultations highlighted the largely regional nature of these movements and the numerous processes under way or responding to displacement in disasters.

Disasters and climate change rarely act in isolation, but rather being exclusively caused by such events.

Building consensus

The Nansen Initiative's primary purpose is to build consensus among affected states about how they could adequately respond to the challenge of cross-border displacement in the context of disasters, including the adverse effects of climate change. It is an informal, non-governmental consultative process involving members of the Nansen Initiative in five sub-regions (the Caribbean, the Americas, the Greater Horn of Africa, South Asia and South-East Asia), and society meetings in these same regions. The consultations emphasised the need to distinguish between cross-border displacement, and human mobility more generally within disaster contexts. Furthermore, the consultations highlighted the largely regional nature of these movements and the numerous processes under way or responding to displacement in disasters.

Disaster displacement, including across international borders, is either already a reality in many parts of the world or is likely to increase over time, since climate change is likely to increase the magnitude and frequency of disasters. The consultations identified the primary responsibility

However, over the course of the Nansen Initiative's consultative process with states, civil society, academia and other organisations, it quickly became apparent that a holistic approach to the problem of prevention, relocation or voluntary displacement to avoid a situation where all its negative impacts are borne by the affected population and better protection and sustainable solutions for internally displaced persons are needed. The consultations have also brought out the multi-causal nature of displacement, particularly following slow-onset hazards and other gradual effects associated with climate change, and highlighted that such displacement movements are occurring

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o states to prevent displacement when possible, and, when it cannot be avoided, to protect displaced people as well as find durable solutions or their displacement.

The consultations have also confirmed that the existing international and regional mechanisms, laws and policies do not sufficiently address the challenge of cross-border displacement in the context of disasters, and have identified the need for improved preparedness.

Overall, the Initiative has generated strong interest because it provides somewhere to discuss what needs to be done to adequately prepare or respond to displacement by bringing together states dealing with humanitarian and human rights protection, migration management, disaster risk reduction, climate change adaptation, refugee protection, and development. In particular, the consultative process as highlighted the important role of regional and sub-regional organisations in complementing national efforts to identify solutions for the challenge by building upon and strengthening existing laws and mechanisms.

Tools and more

The Initiative has identified a wide variety of protection and migration measures for displaced people. These include issuing visas, stays of deportation, humanitarian status in exceptional cases, regional arrangements on receiving persons, expediting normal channels, or other issues relevant to the mobility of persons across borders in different contexts, or, where absolutely necessary, temporary arrangements for reception and stay arrangements in emergency situations.

The consultations have also stressed the need for a 'toolbox' of policy options that go beyond protecting the displaced and address other forms of human mobility – such as by helping people to avoid becoming displaced including (when appropriate) by moving

Key findings from the regional consultations

Within the conclusions developed during each regional consultation a number of key global themes emerged. However, each region identified specific priorities to respond to their unique challenges. Reports from the consultations are available online at www2.nanseninitiative.org/#consultations and several articles in this issue of FMR are derived either from reports prepared in preparation for or from reports resulting from the regional consultations.

internally or across borders in regular or planned ways before displacement occurs.

For example, disaster risk reduction activities, climate change adaptation, contingency planning exercises, infrastructure improvements, relocating people at risk of displacement to safer areas, land reform and other measures to improve resilience are all potential actions to help people stay in their homes or as long as possible. Ensuring that existing legal and policy frameworks for internally displaced persons are fully implemented was also identified as a way to improve the overall response to disaster-related displacement. Finally, particularly in the context of slow-onset natural hazards and the effects of climate change, voluntary migration to another part of the country or (when appropriate) to another country can provide an opportunity to see employment and reduce the risk of displacement in times of humanitarian crisis.

Framing and feeding messages

There will be numerous opportunities during 2015 and 2016 to bring the recommendations and findings from the Nansen Initiative into global and regional processes addressing issues essential to developing a comprehensive response to cross-border displacement in the context of disasters. At the global level, relevant conclusions from the Initiative's findings supported the prominent inclusion of disaster displacement, both internal and cross-border, within the Sendai Framework for Disaster Risk Reduction 2015-2030. The findings were also fed into conversations on the 2015 Paris

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Ruins of a home destroyed by Cyclone Nargis, Myanmar. May 2008.

h Climate C ange Agreement, and a tively c
participated in the 2016 World Humanitarian
c Summit consultative process. egionally, c
the findings from the consultations have
k been taken up by states within the December
2014 Cartagena+30 Brasilia Declaration and
Altio Plan, the draft strategy for Climate
and Disaster Resilient Development in
c c the Pacific, and the Regional Conference
k on Migration (and Displacement) in the Pacific
c 2014. The Pacific Region is also a key
c f practice area for the humanitarian
c protection and disaster response contexts.

In October 2015, the High Level Panel of
c adopted a 'protection and disaster response
ch climate change, identifying
and setting out areas of cooperation
c domestic, regional and international
c the protection Agenda will not substitute
reating new international
in flood a set of on
t the issue, its dimensions
a ed by relevant state
and reiterate key principles

protection and international and regional
cooperation, and provide examples of existing
practices and tools to prevent, prepare for
and respond to internal and, in particular,
cross-border displacement in disaster contexts.
Finally, it will include recommendations
on the way forward on follow-up with the
Nansen Initiative ends in December 2015.

h usk at the work of the Nansen Initiative
as take place outside the United Nations
(UN) system. However, it is now time to place
cross-border displacement in the context of
disasters and climate change on the
UN's agenda. To do so requires finding an
institutional arrangement on the topic, and
states to take forward the protection
agenda's action plan as their own.

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Initiative. www.nanseninitiative.org

The steering group includes representatives from Australia,
Bhutan, Bangladesh, Costa Rica, Germany, Kenya, Mexico, Norway, the
Philippines and Switzerland, with UNHCR and IOM as standing
invitees.

The protection Agenda online at
www2.nanseninitiative.org/global-consultations/

National Adaptation Plans and human mobility

Koko Warner, Walter Kälin, Susan Martin and Youssef Nassef

In order to avoid displacement when possible, displacement and human mobility issues need to be better integrated within national and regional adaptation planning processes.

Displacement cannot be avoided, and adaptation measures can help people to move voluntarily and with dignity long before a crisis situation occurs. National Adaptation Plans – established under the Cancun Adaptation Framework¹ – can play an important role in achieving this by incorporating human mobility within regional climate change strategies.

Effective national adaptation planning processes provides an opportunity to ensure that migration, displacement and planned relocation are fully addressed, as both potential challenges and potential for opportunities. Human mobility is relevant to adaptation planning in the sense of seeking to avoid displacement or migration when it erodes human well-being where there is a discernible risk of it arising as a result of climate change. It is also relevant when attempting to capitalise on the potential for migration or planned relocation where these are deemed to be the most viable adaptive strategies.

National Adaptation Plans build upon the National Adaptation Programmes of Action (NAAs) that were developed by Least Developed Countries prior to the 2010 United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties in Cancun. Many NAAs recognised the loss of habitats and livelihoods and proposed adaptation strategies to reduce pressure to migrate and allow individuals to remain in their homes where possible. They also sought to ensure that management measures such as early warning systems, fisheries management and other measures to reduce the

pressure on fragile ecosystems, thereby allowing populations to remain in place.

Approaches to reduce displacement in the context of disasters associated with climate change often focus on early warning and emergency preparedness or on post-disaster resettlement and rescue plans. NAAs also address the role of the planned relocation of individuals as an adaptive strategy, particularly in the context of rising sea levels. Few NAAs view the spontaneous movement of people from rural to urban areas as a positive adaptation strategy; in addition, governments have generally deferred rural-to-urban migration and sought programmes to deter people from leaving. Some fear that this might inhibit their movement.

Although migration emerged as a theme in NAAs, the documents generally provided little detail on strategies to prevent movements or that might be needed.² The subsequent National Adaptation Plan (NAP) process provides an opportunity, however, to bring migration expertise to bear in highlighting through both sides of adaptation strategies – preventing unwanted 'distress migration' and displacement while a debilitating beneficial movements that enable better adjustment to the changing climate.

NAAs are new and have yet to be developed and submitted. It is advisable that NAAs be developed through processes that are participatory and transparent, and also be gender-sensitive; governments should also take into account, where appropriate, traditional and indigenous knowledge. NAAs should address migration issues related to climate change both by reducing the pressures to migrate or be displaced, and by envisioning migration and the need for planned relocation as adaptive strategies.

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Putting migration into national adaptation planning is essential to effective implementation³. Policy makers and practitioners need to learn and on reference guidance on how to link human mobility to climate change adaptation. It is advisable that NA s guidelines support policy coherence across migration and adaptation policies and be piloted in a number of states.

A number of gaps in the knowledge base exist which – if filled – would contribute to national adaptation planning around human mobility. They include:

- the relationship between mobility and adaptation processes, including the extent to which different forms of mobility are positive for negative or those who move as well as on their communities of origin and destination

- what kinds of trade-offs may be involved, how and at what the relationship is between climate change-related human movements and sustainable development processes, in particular around issues of erosive coping (that is as a negative impact on long-term sustainability) and resilience.

Key findings for adaptation planning and human mobility

As climate negotiators prepare for the critical 2015 Paris agreement⁴, it will be important for states to assume their responsibilities to prevent, when possible, future displacement associated with the effects of climate change. However, affected states also need to receive the necessary technical and financial assistance to carry out this responsibility.

In particular, to ensure that NA s are effective mechanisms in addressing human mobility within the context of climate change, our challenges need to be addressed. These are:

- providing technical advice and international guidance for governments on how to incorporate mobility

- providing governments with more data on specific ways in which climate change will affect (and be affected by) mobility as they formulate their NA s

- ensuring that governments involve appropriate experts and practitioners on human mobility in the formulation of NA s

- ensuring that governments have access to an inventory of good practices to ensure that NA s include strategies that address both sides of the inter-connection between climate change and human mobility.

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This article is based on UNU-EHS Policy Brief No. 9 (2014) 'Integrating Human Mobility Issues within National Adaptation Plans' <http://ehs.unu.edu/file/get/11786.pdf> which was co-authored in addition by the following, who are acknowledged with thanks: Sieun Lee, Susanne Melde, Marine Franck and Tamer Affi.

1. Adopted as part of the Cancun Agreements at the 2010 Climate Change Conference in Cancun, Mexico. <http://unfccc.int/adaptation/items/5852.p.p>

2. All the National Adaptation Programmes of Action reviewed or the report on which this article is based are available at http://unfccc.int/adaptation/working_streams/national_adaptation_programmes_of_action/items/4585.p.p

3. For further details, see International Dialogue on Migration (2011). Available from www.idm.int

4. www.fop21.gouv.fr/en

FMR podcasts

All the articles in this issue are available as podcasts on the FMR website and also on iTunesU. Click on the icon to view FMR podcasts, or visit <http://tinyurl.com/iTunesU-FMR>.



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Modelling displacement

Justin Ginnett

Although those seeking a single global prediction will be disappointed, today's models of climate change- and disaster-induced displacement can provide a range of scenarios for specific countries, regions or hotspots.

Empirical models of climate change- and disaster-induced displacement and migration are used to predict how people would be displaced under different scenarios. They are 'best guesses' but the way they are constructed has evolved over time. The International Disaster Monitoring Centre's (IDMC) 'Interactive' model, for example, uses a range of climate change scenarios to predict the impact of droughts, drought-induced displacement in Kenya but also simulates what happens when different measures are taken to deal with mitigation.

Bekele (2014) notes that the IDMC's model is based on a population of 10 million mobile people in the Horn of Africa. It could be used to predict the first place where pastoralists become displaced.

The model also allows for the impact of climate change on the displacement of pastoralists.

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Behavioural indicators, in this case, are used to predict how people would be displaced under different scenarios. They are 'best guesses' but the way they are constructed has evolved over time. The International Disaster Monitoring Centre's (IDMC) 'Interactive' model, for example, uses a range of climate change scenarios to predict the impact of droughts, drought-induced displacement in Kenya but also simulates what happens when different measures are taken to deal with mitigation.

The initial findings of the analysis are both counter-intuitive and encouraging. Droughts that become more frequent and severe in the future due to climate change, it will lead to more displacement – but not a large amount more. However, the analysis suggests that the arid and semi-arid lands, particularly in Kenya, could potentially support more livestock and pastoralists. That said, a greater number of pastoralists will result in more drought-induced pastoralists in the future. Therefore, actions are taken to mitigate the risk.

Modelling for policymakers

The model also allowed policymakers to use the model to test the impact of different measures. The Government of Kenya's National Drought Management Authority (NDMA) has used the system to test the impact of different measures on the future. IDMC and Climate Change Centre have worked together with the NDMA to test the effectiveness of the different options and investments outlined in the country's Ending Drought Emergency Plan. The aim of this is to use the displacement model to provide evidence-based decisions to reduce drought-related displacement in the future.

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IDMC and Climate Interactive are also using models to help the Government of Nigeria, where over 10 million people are displaced by conflict (IDMC 2008). The Nigerian Government is also using the Climate Interactive model to identify the opportunities to develop new models and existing ones to support the government's plans and the world Migration Organization's Global Framework for Climate Services.

Some countries that perceive themselves to be likely destinations of people uprooted in relation to disasters and climate change have already invested in understanding these patterns of mobility.³ Simultaneously, many countries consider themselves to be particularly vulnerable to the impacts of climate change, which is why the Least Developed Countries proposed a displacement mechanism in the latest round of climate change negotiations.

As more and more policymakers and practitioners use these tools, they will better understand how models can be used and, just as importantly, how they cannot.

Conceptually, the only question that our models cannot (or, rather, no longer try to) answer is how many people are likely to be displaced globally by 2050 or 2100.

While the popular media still have a single global figure, policymakers, practitioners and modellers have instead focused on more specific and actionable questions.

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1. See MitCHEM, Riverton D, et al. (2008) 'Reductive modelling', *Forced Migration Review* issue 31 www.mreview.org/climatechange/p59.

2. www.climateinteractive.org

3. See, for example, the UK government's Foresight project 'Migration and global environmental change', the European Commission's support of initiatives such as 'Climate Change and Migration: A Global Challenge', and 'theory' and the 'Climate Change Adaptation



The Ngomeni rock water catchment dam in Mwingi district, Kenya, which serves hundreds of households, drying up for the first time in years in 2011, according to residents.

The state of the evidence

Susan Martin

Researchers have much to do, not only to understand climate- and disaster-induced migration but also to transmit their understanding for the use of policymakers and practitioners.

While some estimates of the number of people displaced by sudden-onset disasters exist, little is known about the patterns and cycles of displacement. Current estimates of the number of people displaced by sudden-onset disasters are based on official statistics, which are often incomplete and unreliable. However, many people who are displaced by sudden-onset disasters are not recorded in official statistics. An improved evidence base is needed to create a set of criteria for assessing the needs of people who are under and determining whether they are returning home or should be relocated elsewhere.

More attention also needs to be devoted to the intersection between sudden- and slow-onset disasters as sudden-onset disasters can trigger slow-onset processes. The 2011 Great East Japan Earthquake and the 2011 volcanic eruption in Japan triggered persistent adaptation strategies. These scenarios create a greater understanding of disaster situations and allow people to adapt in situ.

For the future, it remains a challenge to identify populations in areas of origin and destination. While historical analogues and the experience of development-induced resettlement are helpful to frame discussions,

vulnerable populations may not have the opportunity to move to uninhabited places, and thus instead move to areas of risk. These are currently available and today could mean that comparisons with historical case studies are neither feasible nor helpful.

It is known that decisions to migrate as well as the impacts of these movements are strongly affected by family and household vulnerability and resilience. Many of those who benefit most from migration are those who are already more resilient than their neighbours. A better understanding of ways to increase social protection particularly for vulnerable households will help policymakers identify ways to increase resilience among those who stay in place as well as those who move away from areas affected by climate change. In the context of environmental migration, more social analysis is important since it questions assumptions that researchers may have about human environmental systems.

Hazards manifest themselves very differently. The impact of flooding on a vulnerable population, for example, depends on the geographical location and may actually be beneficial or harming practices. Including environmental and migration questions in national censuses and in demographic and health (DH), Living Standards Measurement (LSM) or Multiple Indicator Cluster (MIC) surveys may help capture those old or young-specific characteristics. As including participants with questions that they find most relevant helps avoid imposing incorrect assumptions.

Despite the potential for using mobile-phone data to study migratory patterns of people in the wake of sudden-onset events, several limitations exist. For instance,

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of billing information and privacy concerns complicate easy data collection while IMH wards an represent individuals, house holds or communities. Mobile-phone data suffers the same limitations as other types of data in that it needs to be cleaned and vetted if proper analysis is to be done. And it would be important to capture the characteristics of migrants (e.g. their motives) rather than just see where they are going.

Long-term data and studies

Effective disaster risk reduction and historical understanding to understand the effects of climate change on migration require a study of environmental adaptation and resilience. Data are also needed to evaluate the effects of adaptation programmes, those involving movements of people assessed over time. Economical, social, and other impacts are likely to change as people move through the adaptation process and understanding the long-term effects of different adaptation strategies will help policymakers and practitioners undertake better planning and implementation.

Funding multiple research is challenging and the use of existing datasets, therefore, may serve as a useful approach when funding or longitudinal research is restricted, even though few datasets possess all the necessary pieces, particularly longitudinal datasets that capture slow-onset emergencies. Few longitudinal datasets exist and are usually underpinned by censuses, illustrating the policy as well as the research importance of these questions.

Future research for policymakers

Post migration, displacement and return are likely to involve movements within and between developing countries, given our understanding of internal migration – including rural-urban, urban-rural and rural-rural movements, and cross-border out-migration – will help policymakers plan more effectively to address the impacts on both source and receiving

communities; currently very little research exists that captures the impact on migrants on the host communities. Particular importance is research on ways to ensure greater reliability, security and use of out-migration remittance flows in the context of climate change. There are many mechanisms or processes that can be used as an adaptation strategy, such as adaptation plans, or other measures mentioned.

Effective research for addressing migration, displacement and relocation in the context of climate change at the national, regional and global levels are not well articulated. A mapping exercise to identify effective mechanisms or cooperation and coordination among different ministries and agencies would help provide guidance to governments and international organisations as they move ahead in developing adaptation strategies involving human mobility. Continuing monitoring of the ways in which National Adaptation Plans, poverty reduction strategy papers and Disaster risk reduction strategies address issues related to environmental change, migration and development would also be useful in order to identify potential improvements in planning for migration, displacement and planned relocation.

Finally, research alone will be insufficient in affecting policies unless it is presented in a manner that is easily digestible and practical, or donors as well as or policymakers and operational institutions.

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This article is based on the findings and recommendations of the May 2014 Knowledge Partnership for Migration and Development (KNOMAD) symposium. The symposium report can be found at www.knomad.org/thematic-working-groups/environmental-change-and-migration.

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The necessity for an ethnographic approach in Peru

Geremia Cometti

A movement of people is rarely explained by environmental or climatic factors alone. Therefore an analysis which does not take into consideration the cultural consequences of climate change for affected societies is incomplete.

Most research into the links between climate change and migration does not sufficiently consider the perspectives of affected societies. An ethnographic approach with its ties into a community's history and way of life can represent climate change with more rigour to the analysis and allows those who are working on the issue to better understand the challenges.

The 'eros are an indigenous group living in the free levels of altitude on the eastern slopes of the Andes in Peru, each with their own ecology. Over the past few years, large numbers of 'eros have begun to migrate – for education, or work, or in response to climate change. Some of them just leave and others move back and forth to extend their nomadic movements to include the city. The 'eros are agreed that potato crop productivity has been diminishing and that its quality is also suffering because of the effects of climate change. This has led to a loss of income for the 'eros, and some have begun to migrate to the city for work. The 'eros are also facing a loss of their traditional way of life.

Although economic and environmental factors explain to some extent the migration of the 'eros, the explanation is incomplete because it does not take into account the fact that the 'eros make sense of climate change.

The standard Western approach is built on the dichotomy between people and their culture on the one hand and nature and the environment on the other. In that deterministic perspective, migration can be seen as a form of adaptation; climate change in some sense leads to migration. In the 'ero worldview, the relationships between nature and people

are conceived as continuous, not disjointed. Most 'eros explain the changing climate as the result of the breakdown of their reciprocal relationships with their divinities; some of them have turned to other religions and abandoned their traditional practices and others are using their reputation as shamans to turn a profit from tourists and city-dwellers.

For the 'eros, there is a link between climate change and migration but it is not the industrial link arising from the dichotomy between nature and culture. They would not see migration – away from their rituals, away from their rituals, bringing those rituals – brings climate change. It is them no longer being able to perform collective ceremonies that has led them to migrate. They are not used to guarantee their animals, but they have begun to change.

By moving into a different point of view of the 'eros helps, firstly, to highlight the symbolic significance of climate change and, secondly, to posit an interaction between climate change and migration that is more complex and goes beyond causal causality. Besides, an analysis which does not take into consideration the cultural consequences of climate change or affected societies – putting the dominant Western discourse to rest with their viewpoint on the society involved – is incomplete.

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An integrated focus

William Lacy Swing

The key to successfully addressing the challenges of environmental, climatic and natural disasters is integrating migration concerns – including displacement – into all climate change, disaster risk reduction and development policies and frameworks.

One of every seven people in the world is a migrant and more people are moving today in the context of disasters than ever before, mainly as a result of the concentration of populations and livelihoods in disaster-prone areas. Migrants are often among the worst affected by disasters, being more exposed to hazards, less prepared and consequently less able to cope with and recover from the impacts of disasters.

One of the main challenges in providing assistance to those displaced by environmental processes is that they are often born and raised in the same place. This elevates the need to understand the local context, including on how to protect the environment and migration. Climate change is a blind spot in many of our policies, sometimes particularly in the context of climate change adaptation at the regional and national levels.

These challenges are not new. We have known for some time that we need to integrate migration into all development, disaster risk reduction and environmental policies. We do not need another new policy framework; we need to integrate migration into the existing frameworks. This is not a new idea, but it is a new challenge. We need to address the challenges of environmental, climatic and natural disasters in a way that is integrated with migration concerns. This is the key to successfully addressing the challenges of environmental, climatic and natural disasters.

provide the coordination required for an effective response.

Collect and share better data

Data on displacement is essential to understanding vulnerabilities, delivering humanitarian assistance and designing durable solutions. Most of the available data are not disaggregated by the duration of displacement. It is hard to distinguish between the different effects.

This partnership. For its Internal Displacement Monitoring Centre (IDMC) uses national data to estimate displacement caused by natural disasters. Data are complemented by the International Organization for Migration (IOM) displacement reporting system. IOM supports national and international efforts to collect information on displacement to show trends in the number of displaced persons.

It is difficult to collect quantitative data on migration and displacement. We need to strengthen adaptive strategies – particularly by identifying the most vulnerable. Unfortunately, some regions are very under-studied.

According to 2013 almost 9 out of 10 newly displaced persons or forced to move by disasters were in Asia, only 26% of global research on migration and the environment is including climate change – was on Asia. Europe (7%) and the Middle East (2%) are also under-studied, despite environmental processes that can trigger population displacement in these regions.

to address the lack of comparable data on displaced populations, the Migration,

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IOM, in collaboration with the Philippine government's Department of Social Welfare and Development, facilitates a Camp Coordination and Camp Management workshop in January 2013 as part of disaster preparedness planning.

Environment and Climate Change. Evidence for policy projects, funded by the European Commission, as developed a cross-country comparative analysis of six pilot countries.² The surveys of internal migrants' places of origin and destination inform policy on how human mobility promotes resilience and the ability to cope with environmental change. Lessons identified and good practices will be based on five types of mobility (migration, displacement, planned relocation) relevant to the country specificities, thereby providing comparative insights for other countries with similar migrant populations and environmental contexts.

Engage partners and

National Disaster Management Authorities (NDMAs) play a central role in preparing

or, responding to, managing and addressing displacement in disasters, and can greatly reduce risks and vulnerabilities. A key priority should be building strategic and operational partnerships among NDMAs – and between NDMAs and humanitarian actors – to strengthen their capacities before, during and after disasters.

Most countries have disaster response plans, but approaches and experiences differ greatly. Partnerships between NDMAs from different parts of the world enable to exchange experiences, tools and methods that cover all aspects of disaster risk management. International actors' global mandates and partnerships help bring together NDMAs as peers across the world. In addition, international humanitarian

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IOM/Billy Jamisolanin

actors contribute to planning for and managing displacement by promoting impartiality in assisting and protecting affected populations.

An example of how partners' input can be used to his end is the Comprehensive Guide to Planning Mass Evacuations in Natural Disasters (MEND Guide), published in 2014.³ Experience showed that there was a lack of relevant tools to guide NDMA and humanitarian actors in planning evacuations. To address this, during 2011, 11 countries and a number of international organisations and experts collaborated with IOM's leaders to produce the MEND Guide, which contains checklists to use and adapt in developing national evacuation plans.

In 2012, the number of migrants around the world emphasised the need to include migrants and mobility in humanitarian response mechanisms. Labour migrants from Latin America, for example, were disproportionately affected by Hurricane Sandy in New

York but to remove obstacles to this coordination, human mobility concerns must be included in strategic frameworks at the international, national and community levels.

At the international level, the Hyogo Framework of Action II, the New Framework Convention on Climate Change, the Sustainable Development Goals and the World Humanitarian Summit all provide opportunities to advance and share knowledge. At the regional level, the regional Consultative Processes (CPs) on migration offer a privileged space for informal and non-binding state-led discussions on migration. Progress in dialogue and in cooperation initiatives on migration and displacement linked to environmental degradation and climate change are largely the result of the CPs and their consensus-building nature.⁵ At the national level, National Adaptation Plans, the UN Development Assistance Framework and local development plans should include migration concerns to support making internal and international migration a positive and safe choice, reducing displacement and drivers of 'desperation migration', and in increasing resilience.

It is clear that we need to integrate migration concerns, including displacement, in climate change, disaster risk reduction and development policies at all levels. This is a challenge that requires comprehensive and coordinated responses and rises we

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1. IDMC (2014) *Global Report 2014: People Displaced by Disasters*. <http://tinyurl.com/IDMC-GlobalEstimates>

2. Dominican Republic, Haiti, Kenya, Mauritius, Papua New Guinea and Vietnam. www.environmentalmigration.iom.int

3. www.globalmigrationcluster.org/system/files/publications/MEND_download.pdf

4. <http://tinyurl.com/IOM-MICIC>

5. IOM (2013) *Regional Inter-State Consultation Mechanisms on Migration: Approaches, Recent Activities and Implications for Global Governance of Migration*, Migration Research Series No 45. <http://tinyurl.com/IOM-MigrationResearchSeries45>

Cooperation in policy and practice
Coordination efforts are well underway at the operational, research and policy levels

West Africa has a very mobile population and high vulnerability to natural hazards. It also, however, has a number of regional cooperation agreements and may therefore be a useful testing ground for addressing cross-border disaster displacement.

Migration flows are related not only to economic inequality, political unrest and environmental degradation but also to the traditional mobility-based livelihoods with national boundaries drawn post-decolonisation have not interrupted. In addition, displacement due to natural hazard-induced disasters is a recurrent phenomenon, with nearly 9.3 million people reported displaced by disasters in the region between 2008 and 2013.²

Current probe tion mechanisms

There is currently no consensus inter-nationally or in the West African region on procedures to admit or protect people crossing borders in disaster contexts. In the most developed policy area, direct or earned with environmental-related and seasonal human mobility. During the 2000s, a special document was designed for nomadic herders, the

the 1969 Convention (1) which could be compared to a passport of the type of those which are issued by the United States of America for the purpose of facilitating cross-border trans human e conversion of pastoralists and their livestock.

Assistance, good practices and weaknesses

As a result, the Common Humanitarian Principles of the ICRC have been used to expand national and regional capacities to provide context-specific humanitarian assistance.

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and people-centred responses to humanitarian crises. Importantly, obligations to assist migrants appear to have been purposely left out. For displaced people who cross borders, however, the lack of such provisions, particularly in relation to travel with infants and children, and the lack of assistance and support in difficult conditions and

in the structures of ECAs, disaster risk reduction is conflated with disaster management and handled within the Humanitarian and Social Affairs Directorate. A Technical Committee on Disaster Management was established to put into effect the most recent regional action plan (2010-15).

In practice, the ECAs fail to bring down entry barriers that may prevent displaced people from enjoying the full exercise of their rights. For example, the necessary steps to obtain legal documents to enter the labour market and health-care system can be extremely long and complex. The best African states are nonetheless working to increase the portability of social rights within the region. The ECAs General Convention on Social Security represents an important milestone in ensuring strong protection of rights in the implementation of regional free movement protocols. ECAs States and the International Organization of Migration (IOM) have committed in the regional strategy for 2014-16 to work towards greater protection of 'distressed' and 'stranded' migrants, particularly in relation to situations of human trafficking. Increased protection afforded to people in such conditions may ultimately help improve the overall level of protection for other mobile peoples.

On a positive note, the ECAs free movement agreements have undoubtedly created more rights within the region which may otherwise be forced to rely on smugglers and dangerous routes (as compared to the formal African, for example).



A family of Ivorian refugees walking along a forest track towards Zwedru, a town in south-eastern Liberia, following an eruption of violence in Côte d'Ivoire in 2011.

Development and displacement risks

Glaucia Boyer and Matthew McKinnon

Climate change has such significant implications for emergencies that sometimes the development facet of the challenge can be overlooked. Yet the impact of climate change induces systemic patterns of socio-economic erosion that also affect the dynamics of disaster displacement and that require parallel responses.

It is widely recognised that most displaced households are concentrated in the urban areas, and that lower-income groups are disproportionately affected by weather-related disasters. Furthermore, disasters aside, a host of different consequences also associated with a changing climate weaken resilience, especially of subsistence farming groups, and the vulnerability of these communities. While climate-stressed rural communities

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o community apa ity and governan e
systems to deal wit su ange.

ural renewal

A wide variety of measures and approaches to adapt to climate change have been developed, as highlighted for instance by the breadth of activities overseen by National Adaptation Programmes of Action.² Among predominantly subsistence communities, however, the capacity for restricting responses is a largely unreliable means to initiate and sustain such measures. Higher quality, more drought-resistant seeds, improved water installations or meteorological micro-insurances *emphasise*, among other initiatives, all typically *require* effectively unaffordable outlays, *irrespective* of those most in a position to benefit.

Not all initiatives to adapt to climate change require resources but increased capacity and resilience-based approaches greatly expand the feasible range of responses. In the specific case of mountain GAVAs [see box overleaf],

c Governance capability defines resilience

Challenging conditions like these are common to rural communities across tropical developing regions. Particularly vulnerable are countries and communities with very low agricultural sector contributions to the economy, input costs too high, and large numbers of subsistence level households.

Rural erosion in Ghana's Upper East Region

The effects of increases in heat on subsistence communities have been most pronounced in this region of Ghana, once the breadbasket of the country. One way to compensate for diminished growing seasons or productive capacity is to extend the amount of land under cultivation; however, this is very often at the expense of trees and therefore at the expense of biodiversity, land integrity and shade for farmers and crops. Deforestation and the degradation of trees and forests not only contribute to more climate change through the loss of carbon sinks but can also intensify local heat, drought and flood vulnerabilities. Moreover, only the least productive lands remain to be brought under cultivation, so these diminishing yields come at great expense.

Private revenue losses likewise affect public services. Declining investment in local water infrastructure is particularly problematic because it shrinks the area of arable land available during the dry season, leading more people to migrate seasonally. Indications of societal strains are evident too. As smallholder farmers keep fewer livestock, for example, they also entrust fewer to the care of nomadic Fulani herdsman who frequent marginal lands in the region. Previously reliant on the mutually beneficial interchange of herding services for food or income, the erosion of this exchange demonstrates how livelihood shocks for settled communities can be transmitted through economic chains, harming traditional social ties.

Reversing the trend of livelihood erosion is a first step towards using investment in water and irrigation infrastructure or maintaining conservation zones, or addressing insurance and the countless other measures that could increasingly allow communities to cope with climate change. A major challenge in overcoming the propensity to rural decline and migratory pressure as climate and environmental change continues appears to be understanding the evolving nature of climate-related displacement and the effectiveness of development responses central to reaching durable solutions to these challenges.

For rural economies would additional, available greater dividends to be reaped from seasonal and permanent migration by increasing the probability that exchanges of skills, business links and remittances are overall benefit. In these ways, migration can form part of an adaptation strategy rather than simply be a last resort.

Conclusion

The United Nations Development Programme (UNDP) has made resilience to climate change and natural disasters central to its 2014-17 strategy. In line with the World Bank's growing emphasis on climate change adaptation and mitigation, UNDP has also been centrally involved in efforts

to provide development solutions to today's increasingly protracted displacement challenges through initiatives such as the Solutions Alliance and the regional refugee and resilience plan (3).³

In countries and communities most vulnerable to climate change, however, the challenge in overcoming the propensity to rural decline and migratory pressure as climate and environmental change continues appears to be understanding the evolving nature of climate-related displacement and the effectiveness of development responses central to reaching durable solutions to these challenges.

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1. See FM 34 'Adapting to urban displacement' www.mreview.org/urban-displacement
2. See Amer *et al* article pp8-9.
3. www.3rpsyria.org and www.solutionsalliance.org
Note that FM issue 51 will over time be subject to see www.mreview.org/solutions

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Developing temporary protection in Africa

Tamara Wood

Formalised temporary protection arrangements in Africa could significantly improve access to territory and human rights for people displaced across borders by disasters. Such arrangements must adhere to states' existing protection obligations.

Some people displaced across borders by disasters and forced by climate change in Africa will be eligible for protection as refugees, either under the 1951 Refugee Convention or under the 1969 African Refugee Convention. However, existing legal and policy frameworks in Africa are inadequate to ensure that all disaster-displaced persons, including those displaced by drought, flooding, volcanoes and desertification, will be able to secure protection outside their country of origin. The Nansen Initiative's May 2014 Horn of Africa Regional Consultation identified that African states should take more "active development and use of temporary protection measures in disaster situations where cross-border displaced people are recognised under the [1969 African] Refugee Convention but are still in need of additional protection and assistance".¹

The provision of temporary refuge to fleeing neighbours in distress, including in the context of disaster, is a strong tradition in Africa. In 2002, the DRC fled to the DRC from Mount Nyiragongo in the DRC. The DRC government of Congo was permitted to enter Uganda until it was safe to return. The DRC was granted refugee status. Botswana and Tanzania have also admitted people fleeing flooding in neighbouring states. However, such arrangements are ad hoc and inconsistent across borders. Most communities have no formal organisations or the

According to the United Nations High Commissioner for Refugees' new *Guidelines on Temporary Protection or Stay Arrangements*, temporary protection is a "pragmatic tool" or "offering sanctuary to those fleeing humanitarian crises".² In practice, however,

temporary protection arrangements have sometimes been limited or their discretionary and ad hoc nature, and/or being used by states to circumvent their more comprehensive protection obligations under international refugee and human rights law.

Building on what exists

Against this background, the Nansen Initiative's Horn of Africa Regional Consultation recommended that temporary protection measures in Africa "build upon existing laws, policies and practices in the region". Such an approach would not only promote temporary protection among African states; it would also help to ensure that any such measures are consistent with states' existing protection obligations, under international and regional instruments, as well as customary law.

African states have already expressed their commitment to addressing disaster-related displacement. The Migration Policy Framework for Africa, adopted by Member States of the African Union (AU) in 2006, recognises that disasters and other environmental factors are major sources of displacement and that this is a theme addressed in international and regional migration instruments. The AU Convention on the Protection and Assistance of Internally Displaced Persons (the Kampala Convention), although it does not address cross-border displacement, articulates states' recognition of the protection needs of disaster-displaced persons by including in its definition of IDPs persons who have been forced to flee their homes as a result of, or in order to avoid the effects of, natural or human-made disasters.³

For temporary protection to promote, rather than undermine, protection in the region

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it must, as a minimum, be consistent with Arian states' existing obligations under international and regional law. Existing regional law and policy framework could also provide a useful basis for the negotiation and development of temporary protection in Africa, by articulating principles that have already been agreed on by states and which could be extended to disaster-displaced persons.

At a minimum, temporary protection for states' non-refugee international instruments, a basis for the prohibition on return to territories where they are at risk of armed conflict, and the principle of non-refoulement. The principle of non-refoulement is a cornerstone of international refugee law, and it is also a principle of international human rights law. It prohibits the return of a person to a country where they are at risk of persecution, torture, or other serious harm. This principle is also a cornerstone of international refugee law, and it is also a principle of international human rights law.

In addition, the widespread recognition of the principle of non-refoulement by states in providing temporary protection to disaster-affected populations in neighbouring states may suggest a development of a regional customary norm of protection, although in general the practice of providing temporary refuge in these circumstances has been explained by Arian states with reference to principles of African hospitality and good neighbourliness, rather than a legal obligation.

The 1981 Arian Convention on Human and Peoples' Rights (the OAU Charter) must assure a range of rights to all persons, including the right to life and integrity of the person, freedom of movement within the state, the right to leave and return to one's country, and rights to property and to physical and mental health – for every person within their territory, including non-national minorities. In contrast to most international instruments, the Charter contains no derogation or limitations on the rights of minorities. The Charter cannot be justified on the basis of emergency or other special circumstances.

or temporary protection measures to ensure that states' human rights obligations to them are guaranteed if these rights or beneficiaries of temporary protection.

Ecugee protection

As noted above, at least some people displaced by disasters and the negative effects of climate change will be eligible for protection under international and regional refugee law. The Nansen Initiative's Horn of Africa Regional Consultations on 'Including Documented Refugees in the 1969 Convention' – in particular, the phrase "events seriously disturbing public order" – to disaster situations, at least in cases where the protection and assistance available to affected communities are hampered by conflict. This was the case in 2011, when tens of thousands of people fleeing drought and famine in southern Somalia were granted prima facie refugee status in Kenya.

Ecugee protection is itself 'temporary', in the sense that it does not entail a right to permanent residence and its duration is circumscribed by cessation clauses which provide an end to refugee status when conditions in one's country of origin change. However, as long as a person remains a refugee with infinite terms of refugee law, they are entitled to the comprehensive set of rights provided for under international and regional regimes. The development of temporary protection measures in Africa in the future, for instance, may involve the use of special rights to those who are prima facie or refugee status.

Freedom of movement arrangements

The development of temporary protection measures in Africa could build upon existing frameworks for the free movement of people between countries in the region. The Horn of Africa Regional Consultation recommended, for example, that freedom of movement arrangements currently being developed in Africa's sub-regional economic communities, such as the EAC and Intergovernmental Authority for Development (IGAD), could be applied

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A caravan of camels transporting the dismantled tents of Mongolian nomads to a new location in Northern Mongolia.

environmentally dependent livelihoods. In harsher conditions, the ability to obtain adequate fodder for animals is a challenge. Shifts in weather patterns, seasonality, and the frequency of extreme weather events are vital to the

In many areas, a 0.6°C increase in temperature and a 21% decrease in precipitation from 1990 to 2008 have intensified drought and increased evapotranspiration. In the pastoral interior of the country, recurrent catastrophic storm episodes and reduced ecological productivity. Infrastructure related to extractive industries is also restricted. However, while experiencing a 2°C warming trend since 1940, reduced precipitation and increased seasonality and reduced biodiversity. The detrimental impact of a changing climate manifests in the resultant rural poverty and out-migration to cities.

It goes by with rain in one region and not in a neighboring one. It little

and highly variable rain all large areas are needed to support a relatively small herding population. It is inevitable that at most areas will be seldom used because of local drought. The extractive industry in many operates largely in these same hyper-arid deserts resulting in serious challenges to the resilience of pastoralism and creating substantial vulnerability among these social groups. In many areas in Mongolia too, what might seem to a non-pastoralist an unused site is nevertheless an important part of the overall pastoral economy and land tenure systems.

While in Mongolia pastoral production remains the major source of income, in many areas wage labour now contributes more to household income than the sale of animals or animal products but the vast majority of the income is channelled in support of their livestock. In Mongolia, policy to encourage mining often disadvantages pastoralists, resulting in reduced access to land and water for livestock. The extractive mining industry and both preserve

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social custom and create new resource streams as proved elusive. In many, the role of labour and the long legacy of employment disrimination, which has been a major factor in the creation of new resource streams, have limited value.

This climate change comes a treat multiplier for pastoralists who have reduced resilience to adapt, particularly financially, to the climate change. This is especially true in and extreme cold in Mongolia where the combination of drought and regions these areas instigate migration to towns and cities with implications for pastoralists.

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'Managed' relocation

By the late 1990s, the Tadgell

While the process of climate change-related displacement has been recognised for over 20 years, the international community has been slow to develop climate change-specific instruments to guide the relocation process beyond those that relate to displacement generally.

Managed or planned relocation is increasingly being seen as a logical and legitimate climate change adaptation strategy. Although

the literature on climate change-related relocation divides the concept into realignment and resettlement, realignment is mostly practised in developed nations, and involves shifting communities away from climate change-threatened areas and restricting development in these risk areas. In less developed nations, the process is often referred to as relocation or resettlement, which is the a limited movement of populations from an area of high environmental risk to another of lower risk. Resettlement is not a new concept, and has been used in the past for political purposes, often to avoid an environmental project and disaster risk reduction. Although useful guidance about how best to carry out resettlement exists in these bodies of literature, it is still worth

Careful attention must be paid in the managed relocation process so as to not alienate some of the most vulnerable while helping others. For example, climate change-related retreat might reduce physical vulnerability to a hazard through reduced exposure, while simultaneously increasing social and

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developing climate change-specific guidance, particularly at the individual country level.

Five guidance documents

There are numerous documents which offer useful guidance on climate change-related resettlement despite not having been drafted specifically for that purpose. Due to the significant variation in vulnerability reduction approaches promoted by such documents we suggest that the climate change-specific documents below are the most appropriate source of guidance on climate change-related resettlement projects and programmes:

The Nansen Principles (2011) are designed to “guide actions to prevent or manage displacement, and protect displaced people from further displacement with regard to” economic principles and so provide some additional guidance, yet are helpful starting points. For the Commission and partners in resettled communities are an important foundation of resilience. Furthermore, loss of attention to the vulnerability must be paid in resettlement actions, to ensure that at livelihoods of resettled residents are maintained, ideally enhanced, by the resettlement process. The principles of the re-creation of country-specific climate change resettlement policies and institutions.

At risk of disaster: a resettlement

is also used on resettlement due to disasters.² However, it is ramed

suggests social and economic conditions of related persons must be re-established or enhanced, social networks rebuilt, and the vacated land modified physically or legally to ensure that new residents do not settle there and thus re-create conditions of risk.

Protection and Planned Relocations in the Context of Climate Change

(2012) was commissioned by the United Nations High Commissioner for Refugees (NHC) and written under the auspices of the Brookings-L E Roje on Internal Displacement.³ The paper uses lessons learned in development- or displacement and resettlement as a point of departure for the reaction of 22 “preliminary understandings or helpful findings” to communities who are or will be relocated as a result of climate change” and collectively promote comprehensive vulnerability reduction through resettlement. Examples of ideas promoted in this paper include: preserving existing social and cultural institutions, promoting livelihoods and economic prosperity in resettled communities, using participatory planning processes, developing monitoring mechanisms and grievance procedures, and ensuring that resettlement sites are environmentally safe and robust in the face of climate change.

The Peninsula Principles on Climate Displacement Within States

(2013) were developed through a consultative process organised by the NHC Displacement Solutions and involving lawyers, jurists, law professors and NHC, University and non-governmental organisation staff.⁴ The Peninsula Principles are arguably the least example to date of guidance which promotes comprehensive vulnerability reduction through climate change-related resettlement. They suggest that the resettlement process should preserve social and cultural institutions, the resettlement site is not also at risk of climate change-related hazards, maintain the housing and land tenure of residents, provide compensation for assets, maintain or strengthen

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Informal settlements located alongside Pasig River, Manila, are extremely vulnerable to climate change-related flooding.

livelihoods, and strengthen capacities at multiple levels to deal with resettlement.

Planned Relocations, Disasters and Climate Change

was a background paper for a March 2014 NHC-Brookings-Georgetown consultation designed to support the Nansen Initiative. Although the document's main focus is on cross-border resettlement, many of the document's suggestions are also relevant to local resettlement. In addition to offering specific guidelines on climate change resettlement, it refers to the large and well-established body of available guidance from the development-, disaster-, and conflict-induced resettlement literature, and to emerging climate change resettlement guidance.

What remains, however, is much work to be done to make climate change resettlement guidance available to national and city-level officials in developing countries. In particular, country-specific climate change resettlement instruments will incorporate a multi-dimensional vulnerability reduction perspective could be developed or adapted to reflect the vulnerability of each country's context, and perhaps even further contextualised or used in specific urban settings.

Conditions attached to climate change adaptation funding, from the Adaptation Fund and Green Climate Fund, will undoubtedly require well-structured climate change adaptation plans. In the resettlement is likely to play a part in these plans, efforts taken now to develop a range of guidance will help developing countries qualify for the funding needed to adapt to climate change over the coming decades.

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This paper is a modified and extended version of a presentation made at the 2014 International Disaster and Risk Conference.

1. <http://tinyurl.com/NMFA-Nansen> principles
 2. www.gdrf.org/sites/gdrf.org/files/publication/resettlement_guide_150.pdf
 3. www.reworld.org/doi/10.5023774e2.html
 4. <http://displacementolutions.org/dsh/initiatives/t-e-peninsula-principlesckeealsoLeieandimpendingamartilep34-5>
- lic www.un.org/534d699.pdf

Preparing for planned relocation

Governments will increasingly need to consider relocating communities in order to protect them from the adverse effects of climate change, exercising the state's duty to move populations out of harm's way in the face of foreseeable hazards. Planning for relocation is essential and requires the creation of an enabling environment, including a legal basis for undertaking planned relocation, capacity building and a whole-of-government approach. It involves risk assessments and consultation with, and the active participation of, affected communities – those to be relocated, those left behind and host communities. Focusing on the human dimensions includes systematic efforts to allow people to maintain their identity, ties, and connections to land and traditional ways of life.

Relocating communities is a complex and difficult undertaking and there is a need for cross-pollination of expertise, ideas and action among a variety of experts and institutions, including development, humanitarian assistance, human rights, disaster risk management, environment and climate change, and

urban and regional planning. Lessons, experience and existing guidance from existing guidelines and experiences in other contexts could usefully be extrapolated to planned relocation in the context of disasters and climate change. Especially needed now are practical tools and action plans to assist national and local authorities and those who support them in undertaking planned relocation.

Finally, independent, short- and long-term, quantitative and qualitative monitoring and evaluation systems should be created to assess the impacts and outcomes of planned relocation, and mechanisms should be established to ensure accountability and to provide remedies to affected populations.

For preliminary guidance and further information, see *Planned Relocation, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future*, report from expert consultation in Sanremo, Italy, 12-14 March 2014 www.unhcr.org/54082cc69.html

Lessons from planned relocation and resettlement in the past

Jane McAdam

Placing contemporary deliberations about relocation within a longer historical and intellectual framework reveals unexpected connections and salutary lessons.

Planned relocation¹ has recently gained prominence as a strategy to reduce the vulnerability of communities' exposed to the impacts of climate change and disasters.² Among the many and polihymnars, there have been two widespread assumptions about historical relocations of communities: first, that they have occurred almost exclusively within countries, not across international borders; and secondly, that at most they have resulted from large-scale development projects. Indeed, the only comparable examples of cross-border relocation in this context are the recent historical cases of the Chagossians from the mid-20th century, thought to be isolated instances. These were the relocation of the Banabans from present-day Kiribati to Hiji in 1945; the expatriate relocation of the

present-day population to the United States in 1947; and the relocation of the Chagossians to the United Kingdom between 1955 and 1964.² The 20th century to the mid-20th century was a period of population redistribution and the legitimate means of addressing the needs of overpopulation, resources and land, and, in turn, on the field.³ Relocation was understood both as a pre-emptive solution to anticipated overpopulation and resource scarcity, and as an administrative and diplomatic tool. Roughly out of the 20th century, statesmen and statesmen alike have come to address the issue of population. Many of the migration, population

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transfers and colonisation (also described as 'migration or settlement') could redistribute the world's people from densely populated regions to low-density or 'empty' areas.

For instance, in 1937, the United States proposed as the best solution to the problem of the world's population to 'constitute a committee of 150 scholars to study the problem of overpopulation'. In February 1942, the International Labour Office (ILO) held a conference on the 'Organisation of Migration and Settlement'.

At the Evian conference on refugees in July 1938, President Roosevelt sought not only immediate solutions for those already displaced in Europe but also long-term plans to address future overpopulation. He argued that land was needed for new settlements of 50,000 to 100,000 people, and for some 10 to 20 million people altogether. In 1942 Roosevelt created a secret research initiative, the 'Migration' ('M' for migration), appointing a small team of experts to study

possible resettlement sites across the world. At the project's conclusion in November 1945, they had compiled over 660 land studies, spanning 96 volumes. Argentina, Brazil, Bolivia, Venezuela, Australia's Northern Territory, Canada and Manitoba were identified as the best prospects for settlement.

But not everyone shared the resident's zeal for resettlement. Even if land could be found, resettlement would be neither an easy nor a rapid process. Population experts noted impediments such as rising costs, incompatible sets of interests and professionals moving to rural areas, or, for instance, inadequate transportation facilities, concerns about adaptability to tropical climates, questions about disease, and states' disinclination to accept groups large enough to resist absorption. Attention also had to be given to legal requirements for admission and stay, local attitudes towards the new arrivals, and the adaptability of the settlers themselves (including their willingness to accept, for a time, standards of living below those of their home country).



A monument on Rabi Island (Fiji) showing a map of Banaba (Kiribati), the home island of the Banabans who relocated to Fiji in 1945.

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Post-disaster resettlement in urban Bolivia

Gemma Sou

Post-disaster resettlement programmes can be unsuitable and ineffective, often exacerbating the vulnerability of people to the effects of climate change.

Following climate-related disasters in high-risk areas, the Global Out-Resettlement Initiative (GORE) has been set up to help urban authorities. However, research in Cochabamba reveals several reasons why resettlement programmes can be ineffective at encouraging people to migrate and how these programmes can leave people in worse conditions with increased vulnerability.

In 2008 a landslide severely damaged houses in a densely populated area in the community of Cochabamba. Many residents commented that it is a risky area to live in, and that many – regardless of age, gender, ethnicity, religion or occupation – believed to be linked to climate change. Climate change is part of the lexicon not only of professionals but also of ordinary people in Bolivia, not altogether surprising given that in Bolivia is one of the countries most affected by climate change.

After the landslide, the municipality of Cochabamba created a risk map of the area that identified 'high-risk' and 'low-risk' zones. Robustly, it is mapped landslides as natural phenomena, observing any political or social questions about why it is population is more vulnerable to the effects of climate change, and ultimately implied that 'escape' from the area was the only viable solution.

The risk map was distributed to residents as a tool to encourage people living in 'high-risk' zones to resettle in a rural area 35 km away. \$5,000 was offered to each house-owner as an incentive (\$320 being

the average monthly house hold income) and residents were told that no support would be given to rebuild their house, that they may not sell their house, nor reconstruct it above one storey in height.

Many of the old houses used the \$5,000 and did not move. The fundamental reason the resettlement programme was largely ineffective is because it was informed by the assumption that there is a direct causal link between risk information, risk perceptions and responses. However, it is the nature of human behaviour that does not account for the social, economic, cultural and cultural processes that may encourage people to live in a 'risk' area.

People given benefits in living with risk are often willing to live in 'risk' urban areas if there are greater income-earning opportunities and access to services, and food is often less expensive. However, investigations in Cochabamba also show that a 'place attachment' – which relates to an individual's sense of identity and belonging – can easily discourage people from relocating.



Post-landslide risk map of the Cochabamba area.

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Walls propped up, post-landslide, Cochabamba.

"I made this house, how could I sell it? ... My mother does not want to sell either because of the memories, because we grew up here, they brought us up here." (resident)

"I lived here since being a child. I have a good memory of it." (resident)

problematically, however, the effectiveness of resettlement programmes is always determined by people making their own analyses about leaving or staying. The residents wanted to leave but were unable to be because of the negative impacts of the resettlement programme, which reduces their ability to move away from the area.

rapped in limbo

residents living in the 'high-risk' zones did not want to be resettled because they would

close significant investments that they had made in their house. Furthermore, the \$5,000 that was offered by the municipality was significantly less than their house and land were worth.

five years after the landslide, residents were used to resettlement having done little more than prop up their walls and roofs with wooden poles and/or cover up the damage with sheeting. People perceive reconstruction as futile because they believe landslides will happen again and that no amount of reconstruction can prevent damage.

"Why invest when it could happen again, and it probably will. It's the red zone here. It's a pointless investment ... We were thinking about selling [the house], but they will not let us sell either..." (resident)

Accordingly, residents often remain living in uncomfortable conditions, which increases their vulnerability to the effects of climate change and puts them at greater risk of future disasters.

The problem lies in a reductive understanding of human behaviour that underpins the resettlement programme. It does not account for the many reasons why people choose to live in 'high-risk' areas, nor does it account for the indirect and detrimental effects that resettlement can have on people who choose to stay put. Any post-disaster intervention would benefit from a better understanding of the meanings that people value so that these can be incorporated, rather than treated as largely irrelevant or obstructive.

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Focusing on climate-related internal displacement

Scott Leckie and Ezekiel Simperingham

Global attention should place a primary focus on the application of best practice and the development of innovative initiatives to solve climate-related internal displacement, rather than on grappling with the far rarer movements of people across borders.

States and communities already facing climate-related displacement within their borders need massive increases in technical and financial expertise and support to develop solutions that is new challenge. Experience shows that the majority of such displacement will not be about individual migration decisions but about entire communities. Experience shows that communities almost always want to stay but, if necessary, they will move together and want safer land with adequate socio-economic support, including schools, hospitals and livelihoods.

However, the reason that insufficient attention has been given to this is that the federal government has been using a practice of consultation, a non-effective selection and preparation of relocation sites and ongoing support after the point of relocation. These are all seen as challenging and time-consuming processes.

There is also an apparent unwillingness or inability to accept that displacement events happening now are already linked to climate change, perhaps because of the perceived difficulty in determining a precise causal link between climate change and an individual's displacement, the 'causation conundrum'.

Donors and others who are about climate displacement can play a key role in developing and implementing innovative solutions, through political, financial and technical assistance, and support that is designed to resolve such displacement in a sustainable manner. This includes the need to focus attention on the planned relocation of communities away from areas of vulnerability, with communities having a say in the process from the outset. The needs of climate-displaced persons must be given adequate support and attention that is overdue in the eyes of the international community.

The Sendai Framework for Disaster Risk Reduction (principles on Climate Change and Disaster Preparedness and Response, 2015) provide a useful normative and practical framework to achieve this change in global disaster risk support.¹ They provide a



Filling sandbags at Bonriki on the island of Tarawa, Kiribati.

governments and the international community still have a long way to go in bringing all the rights to every human being – a need person – particularly to those rights that are most real, such as livelihoods

and housing, land and property rights
– are respected, protected and fulfilled.
States should not just prevent violations
of basic rights of climate-displaced persons
but also take proactive measures to create
comprehensive institutional frameworks
(with specialised laws, policies, institutions
and programmes) to help states prepare
adequately or climate displacement and
respond effectively when displacement occurs.

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1. <http://displacementolutions.org/disinitiatives/the-peninsula-principles>. A further volume, *Repairing domestic climate displacement: the Peninsula Principles*, containing a legal commentary on the Peninsula Principles, will be published by Routledge in 2015.

Isabela Piacentini de Andrade

Brazil is developing a long-term solution for filling a legislative gap affecting environmental migrants.

Confronted with an increasing number of Haitian migrants after the 2010 earthquake,¹ Brazilian legislation was not adequate to deal with this new category of migrants properly. In the understanding of the Brazilian authorities, the Haitian migrants did not all fit into the definition of a refugee as their reasons for migrating were environmental disasters and instability. As a result, Brazil had no legal grounds to accept them as refugees.

e legal issue was temporarily solved by the promulgation of Normative Resolution 197 – exceptional legislation limited in time and in scope, granting visas to Haitian nationals for a period of five years on humanitarian grounds. These grounds are expressly “those resulting from the aggravation of the living conditions of the Haitian population as a result of the January 12th, 2010 Haitian earthquake”. The resolution was to be applied for one or two years only and to be granted to no more than 1000 persons.

per year. However, subsequent Normative resolutions in 2013 and 2014 removed the limit on the granting of visas and resolution 97 will now remain in force until 30 October 2015.

Nonetheless, Brazil's humanitarian visa is not a long-term solution to this widespread problem, given that its application is restricted to the disaster in Haiti and its people, and it does not meet the need of other countries and of their people who are in a similar situation. A durable and comprehensive solution would require a reform of the present Foreigner's Statute.

In order to update this law and meet contemporary demands, the Ministry of Justice created a committee of experts whose purpose was to present a proposal for a draft law on migration and promotion of immigrants in Brazil. The proposal was about a year by a committee of representatives of government

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agencies and civil society organisations. The draft establishes general principles to guide migration policy as well as to respond to human rights, repudiation of xenophobia and social discrimination, non-discrimination of immigrants, equal treatment between aliens and nationals, and the development of public policies for the inclusion of refugees and displaced persons.

More important, the draft allows for the issuance of humanitarian visas for persons fleeing international calamities or serious and generalised human rights violations recognised by the Brazilian government. By admitting such persons, the draft has one of the reasons for humanitarian visas, the draft indirectly establishes the category of environmental migrants, innovating and filling a considerable gap not only in domestic law but also in international law. The temporary visa or humanitarian purposes set out in the draft can also be granted to unaccompanied immigrant minors fleeing environmental disasters to enable them to seek asylum in Brazil.

disasters to qualify for a humanitarian visa, regardless of their country of origin.

Despite being a local initiative, the draft follows a regional trend. In December 2014 Brazil hosted the Cartagena +30 meeting to celebrate the 30th anniversary of the Cartagena Declaration on Refugees of 1984.³ The Brazilian Declaration and Plan of Action adopted by that meeting expressly refers to climate-induced migration as a concern for approval of the Brazilian draft would contribute to addressing this concern while filling a legislative gap affecting environmental migrants worldwide.

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The assistance of the following in formulating this article is also acknowledged: Ana Julia Passuello Miranda, Kaline Natascha Netzel and Nathalia Schuster Reis.

1. See also www.nireview.org/ragilestates/pontieu-derderian
2. Articles 33 and 44.
3. See Maldonado Castillo article pp89-91.

Disasters, displacement and a new framework in the Americas

David James Cantor

There is a startling range of positive examples of national law, policy and practice all across the Americas that states have used to respond to the migratory consequences of disasters.

In the Americas, as elsewhere in the world, neither universal nor regional standards presently exist to determine whether migrants or displaced persons affected by a disaster in their country are eligible for travel or admission to, or stay in, the territory of another state.

There are two types of population movement from countries in the Americas affected by rapid-onset disasters. Firstly,

there are fast and often temporary migrations across a land border to avoid a disaster or its more immediate negative consequences ('trans-border displacement'). Secondly, there are longer-term migrations over a greater distance provoked by a disaster's extensive damage including to infrastructure ('displacement abroad'). Both flows tend to take place from poorer countries in the region and follow traditional migration routes or that nationality.

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A study on the Americas about the seemingly intractable problem of developing appropriate legal responses to cross-border displacement in the context of disasters caused by natural hazards was conducted under a Nansen Initiative-sponsored workshop in February 2015, attended by representatives from the eleven member states of the Regional Conference on Migration (RCM).¹

The Nansen Initiative study sought to encourage an application of the existing international law to the pragmatic review of the law and practice from a regional perspective in order to assess how the existing law with respect to protection and assistance of disaster-affected displaced persons could be adapted to deal with foreign (alien or non-national) in this situation. Moreover, the study does not limit the inquiry to human rights or refugee protection law only but also considers the legal landscape of the broader range of national immigration laws of each country.

Immigration law as the principal tool

It is evident that most states in the region view immigration law (rather than refugee law) as the principal tool for responding to the situation of aliens affected by disasters. Such situations may arise with people who are fleeing a disaster in their own country and seek permission to travel to, enter or stay in another country. Equally, a disaster overseas may affect non-nationals present on the territory of a third state by affecting their migratory situation or rendering their removal unsafe. Finally, aliens are a particularly vulnerable group in the event of a disaster occurring in their country in which they are present.

In many cases, states in the Americas have limited the travel, entry and/or stay of aliens in their territories through the application of regular migration categories, in order that affected persons may benefit from as stable a migratory status as possible. For example, the expedited consideration of immigration applications may take place or a requirement of the immigration rules (e.g. relating to

stay as a student or as a family member) may be waived on humanitarian grounds for persons affected by a disaster overseas.

For those persons affected by a disaster and whose migratory situation cannot be resolved easily by application of the regular migration categories, many states in the region do make recourse to exceptional migratory categories in their national law in order to allow travel, entry or stay. These categories tend to offer more precarious and temporary forms of stay than the regular categories do, and permission is often required in order to be able to work. Even so, they play a useful role in responding to the immediate aftermath of a disaster.

In these contexts, the grant of permission to travel, enter or stay in the country is usually based on some form of discretionary decision by a state official. These decisions are based on humanitarian grounds. The law on entry is power in broad, non-specific terms. However, in a number of countries in the Americas, national law and/or policy expressly mentions disasters as a basis on which this discretion could normally be positively exercised.

In this regard, state officials across the Americas are all too ready to be provided with clearer guidance. Nonetheless, humanitarian discretion in migration law should be exercised positively, for the disaster migrant's benefit. In response, the participants at the high-level workshop recommended developing a Guide to Effective Practices on Admission and Stay or Moving across Borders in the Context of Disasters (Effective Practices Guide, in short). Building on regional practices, such a guide could be based on the principle that a humanitarian discretion should usually be exercised positively where an alien is personally and seriously affected by the disaster overseas.

However, there is a range of situations in which the negative exercise of this humanitarian discretion could be exercised within strictly defined limits. For disaster migrants, this is most often the case in

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relation to admission and non-removal decisions. Thus, for example, where the effect of the negative decision would be to expose a migrant to a real risk to life or personal safety due to the disaster or its consequences, then the negative exercise of discretion would be contrary to binding human rights rules. Here, the discretion must rather than should be exercised positively.

The migratory impact of disasters may manifest itself not only for migrants from the affected country but also for migrants living in a disaster-affected country (e.g. Central American migrants in the United States at the time of Hurricane Katrina). An Effective Practices Guide could thus build on existing practice in the Americas to make targeted recommendations about the ways in which these migrants should be afforded special consideration in the efforts. This challenge is especially acute for undocumented migrants, especially in their transit to another destination.

Effective role of refugee law

The question of protection under refugee law for disaster migrants, states in the Americas do not generally view a disaster as a natural hazard as in itself a high ground for refugee status. Cuba is presently the only exception to this in that its national migration legislation includes among the reasons for seeking asylum "due to natural disasters or other phenomena of nature".

Even so, it is recognised across the Americas that the destruction wrought by disasters can generate risks of persecution and/or interrupt national protection in the affected state, as happened in Haiti after the 2010 earthquake. An Effective Practices Guide could suggest that questions of entry, non-removal and stay for some disaster migrants may be resolved by reference to refugee law and national laws of complementary protection.

Role of regional

Regional and sub-regional
Americas play a role in

the adoption of special migratory measures on humanitarian grounds by their member states. Such practices already exist, they have been encouraged or endorsed. Drawing on this, an Effective Practices Guide might include a series of proposals has to show the CM can be used by member states to develop a more coordinated and cooperative legal approach when the migratory consequences of a disaster have a severe impact on one or more CM states.

Adoption of such a guide by the CM later this year would position the organisation as a world leader in responding to the humanitarian consequences of disasters. Moreover, such a guide would offer an intriguing new model for states in the Americas – and perhaps in other regions of the world – in resolving this humanitarian challenge.

Overall, the Nansen Initiative study identifies an important range of existing national law, policy and practice relating to disaster-affected migrants in the Americas. Promoting a consistent and harmonised application of these national frameworks in the disaster context may at present be more effective than seeking to supersede them with new international 'protection' law.

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The author researched and drafted the Nansen Initiative study and Discussion Paper with the generous support of a Future Research Leaders grant from the Economic and Social Research Council (grant number ES/K001051/1).

1. Cantor DJ (2014) *Existing State Law, Policy and Practice on Temporary Protection Mechanisms for Natural Disasters: States of the Regional Conference on Migration and Others in the Americas*, Nansen Initiative.

The CM is comprised predominantly of North and Central American states: Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States.

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Temporary protection arrangements to fill a gap in the protection regime

Volker Türk

Predictable measures are needed to provide protection for people displaced across borders by disasters, where there is currently a gap.

There is no international instrument today which will protect the people who are displaced across borders as a consequence of climate change. I, as expected, cross-border displacement in the context of disasters and climate change in recent years, the gaps that exist in the protection of people displaced in these contexts will become more prominent. The

Although human rights law provides an clear indirect right to be admitted and to stay in a country, when the removal of a person back to the country of origin would amount to a breach of human rights, the law is not clear. In all displacement cases, the International Convention on the Protection of the Rights of All Migrants and Workers in the Field of Employment (ICRMW) provides a framework for protection.

Members of the

protection

in the context of disasters. The relevant examples of continued stay and even admission of people displaced across borders in disaster contexts, such as measures and largely ad hoc and uncoordinated.

Measures for temporary protection

In the event that persons displaced across borders are allowed to stay in or to enter a new country, it will be important to clarify their rights and responsibilities and the duration of their stay, taking into account the capacity of the receiving state and host communities. The High Commissioner for Refugees (HCR) believes that temporary protection or stay arrangements may provide the answer to this challenge and developed *Guidelines on Temporary Protection or Stay Arrangements* (2014) in February 2014, following two expert meetings in 2012 and 2013.

The Guidelines aim to assist governments to respond to humanitarian crises and complex or mixed population movements, in situations where existing responses are inadequate. To encourage responses, the Guidelines encourage governments to agree on 'temporary protection arrangements' to be agreed on a national/regional basis and to be used as a response to particular situations as they arise. The emphasis is on voluntary arrangements, rather than unilateral actions. The aim is to encourage

In a case in 2014, the Immigration and Protection Tribunal of New Zealand rejected the climate change-related claim of a Tuvaluan family for refugee status under the 1951 Refugee Convention. The family of four argued, among other things, that the effects of climate change – in particular, sea-level rise and a lack of fresh drinking water – would

have adverse impacts on them if they were forced to return home. While the Tribunal stayed their deportation and granted them residency, this was an exercise of the Tribunal's discretion on humanitarian grounds because of their strong family ties within New Zealand.¹ The decision was not based on any domestic or international legal obligation.

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harmonisation of standards of treatment across countries in the same region and thus reduce motivations for onward movement.

Temporary protection is a decades-old concept that has been applied in many different situations and countries, notably in

refugee situations. The new Guidelines build on the many achievements in

temporary protection over the years

by different countries, but also

draw on existing international law, including

the meaning of the term 'refugee'.

The Guidelines also take into account the need for

flexible and yet flexible approaches to

disasters and complex emergencies.

The Guidelines therefore offer

variety of temporary protection/stay

options that can be adapted to

different circumstances and

divisions of labour between

not be applied in isolation.

There are also some specific

large-scale influxes of refugees or

other similar humanitarian

complex or mixed cross-border population

movements, including boat arrivals and

rescue at sea scenarios.

fluid or transitional contexts

Other exceptional and temporary conditions

in the country of origin necessitating

international protection and

return in safe and dignified

The Guidelines are intended to

from temporary protection

statuses or solutions. In

approach to ending temporary

situation-specific or based on

rather than being determined on the

of a pre-determined time frame. At the

expert meeting, it was widely agreed that

the upper limit of temporary protection should

not exceed three years. However,

at the same time, it was felt that no

should be set, as it is rarely possible

initial stages of a humanitarian crisis and complex population movements to determine with any certainty if and for how long it would be needed. Further, setting minimum periods could discourage the activation of the regime if they are considered too long.

In order to provide a solid degree of protection for beneficiaries to be assured of a dignified stay, the Guidelines also cover operational and other aspects of protection. As around entry and exit, minimum standards of protection, international cooperation and burden-sharing, and coordination. They also cover standards of protection as stay extends.

The Guidelines also reflect the fact that the international law, including the 1967 Refugee Convention and/or its 1967 Protocol, as well as other human rights and/or refugee instruments to which states are party, that they could be seen as complementary to and building on the international refugee protection regime.

As the Nansen Initiative on Disaster-Induced Cross-Border Displacement draws to a close in 2015, it is hoped that states, in defining a Protection Agenda for the future, will take the opportunity to give serious consideration to the value of taking preventive action to agree and set in place predictable temporary protection and stay agreements, including in their national legislation. The need to do this is likely to be particularly pressing in regions that are already or will be prone to disasters, including disasters linked to climate change.

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The Guidelines are available at: <http://refworld.org/docid/52fba240.html>

Commission of the European Communities, 4 June 2014, available at http://ec.europa.eu/justice/policies/migration/doc/20140604_DoUments/Deportation/

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Refugees, climate change and international law

María José Fernández

How can the category of 'climate refugee' be considered within international law in the 21st century?

I have kept that anthropogenic climate change does exist, we cannot deny the obvious implications of this in terms of

human displacement. It is clear that climate change may be a factor in the displacement of people, but it is not the only one. The legal framework for refugees is based on the 1951 Refugee Convention, which defines a refugee as someone who has a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a particular social group. Climate change is not mentioned in this Convention, and therefore, people displaced by climate change are not automatically considered refugees.

Nevertheless, the principle of non-refoulement could apply in situations where the return of a person would be dangerous to their life or health. This was the case in the *Chantrone* case, where the European Court of Human Rights found that the return of a person to a country where they would be exposed to climate change would be a violation of their right to life.

Climate change is frequently viewed as a risk multiplier in the context of the pre-existing social, economic and environmental conditions that constitute the key risk factors for a community. Although it could also be argued that individuals living in extreme poverty in their own countries are more vulnerable to the effects of climate change, it is not clear that they are more at risk of being displaced by climate change.

Understanding the structural and economic factors that contribute to vulnerability is essential for addressing the issue of climate change and displacement. The concept of 'responsibility' is vital in this context, as it relates to the obligation of states to protect the rights of their citizens. The 2008 draft of the International Law Commission's draft articles on the responsibility of states for internationally wrongful acts, which is one of the most complete proposals to date, is a valuable contribution as it combines protection, assistance and responsibility, incorporating the principles of proximity, proportionality and non-discrimination, and highlighting the principle of common but differentiated responsibilities.

There is a disconnect between human rights and climate change. The issue involves the intersection of two different legal frameworks, and it is not clear how they can be reconciled.

There are some currently unavoidable obstacles in the way of establishing an international agreement, some of which are linked to political will. In recent years, the number of international forums on climate and environmental issues has multiplied, but none of these has arrived at any binding solutions. However, even were

to migrants and refugees but only 6% established a connection between the two.

There is a link between climate change, migration and the legal treatment of the displaced. The legal framework for refugees is based on the 1951 Refugee Convention, which defines a refugee as someone who has a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a particular social group. Climate change is not mentioned in this Convention, and therefore, people displaced by climate change are not automatically considered refugees. Defining state responsibility or climate change is one of the most complex issues.

Given that no legal instrument offers protection relating to people displaced by climate or environmental factors, some people see the need for a new and specific instrument. The most effective responses would have to consider movements related to climate change within a broad human rights framework. In 2010, a second version of the draft was presented at a 2008 draft, drawn up by the International Law Commission of Limoges, which is one of the most complete proposals to date.¹ It is a valuable contribution as it combines protection, assistance and responsibility, incorporating the principles of proximity, proportionality and non-discrimination, and highlighting the principle of common but differentiated responsibilities.

There are some currently unavoidable obstacles in the way of establishing an international agreement, some of which are linked to political will. In recent years, the number of international forums on climate and environmental issues has multiplied, but none of these has arrived at any binding solutions. However, even were

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one adopted, we could expect ratification to be less complete than is necessary, the resulting instrument that is weaker. At the moment, then, it would be difficult, perhaps impossible, to achieve global consensus on the issue of international population movements and climate change. Also, it is a risky move to transfer into international law what debate within continues to generate controversy in the scientific sphere and, worse still, that at transnational level leads to the modification of legal status of people currently under the protection of the definitions – to provide a basis for the advancement of levels of social and economic development (the current definition) as in the case of the swelling of the number of people who are in a position where it is not translated into an improvement in the terms of the human and dignity of those affected.

Moreover, restricting protection of those affected by climate change issues and marginalising others affected by geo-environmental phenomena and changes (whether anthropogenic or not), will not be discussed legally in terms of

responsibilities but not in terms of human rights. Therefore, current conditions do not allow for an adequate definition of a problem that is still mired in uncertainties. An *a posteriori* definition of the legal status of these migrants would have to be created, establishing what criteria they can in some way be differentiated as a group with their own characteristics.

If this approach is established, regional or bilateral solutions would be the preferred way forward. This would mean working with affected governments on solutions that involve in situ measures and adaptation strategies, accompanied by a real commitment to the reduction of contaminating emissions. A regional response of this type, although it may appear a little ambitious, could constitute the first step towards more widespread international efforts.

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Conf 1. *Protocol to a Convention on the International Status of Environmentally Displaced Persons*
<http://tinyurl.com/CIDCE-Environmental-displaced>

Displacement as a consequence of climate change mitigation policies

Sara Vigil

Climate change mitigation policies and 'green solutions', such as biofuels, are also creating displacement.

Current and projected climate change impacts have led to a wave of mitigation policies that, despite their well-intentioned motives, can actually lead to added pressures on the land and the most economically, environmentally and socially vulnerable groups in developing countries. A visible example of this is oil crops when policies aimed at biofuel production incentivise the acquisition of large tracts of land in the Global South, often overlooking

the rights of local populations and leading to the displacement of whole communities. Climate change is seen to legitimise a large proportion of such acquisitions. Examples of this commodification of nature include carbon offsets, eco-tourism and biofuel production. The most prominent of such land investments is the positive potential, defrauds – referring to them as the appropriation of natural resources

entering island from 2006 and 2007 had been or if it had been a biofuel campaign. It is not clear, as equally important, the displacement of millions of people from their land and acquisitions of land. And there are many

communities undertake (as is now most often the case in relatively stable countries such as Senegal), investors put promises of employment and infrastructure forward as a way for populations to accept voluntary resettlement. However, 'voluntary' resettlement can be one or ed resettlement following an outcome that does not meet expectations.

Consequently, land investments need to pay more attention to displacement. At the same time, there is also a need for environmental migration scholars and practitioners to broaden their analyses. If causes of displacement are often blurred and overlapping, then outcomes that the displaced encounter are strikingly similar. 'Green grabbing-induced displacement' is a clear example of the overlap between the traditional categories of forced displacement (on land, development and environment).

ere have been attempts to control the negative impacts and processes of land grabbing through the development of codes of conduct and principles or responsible agricultural investment that respect rights, livelihoods and resources.⁶ In order to attain 'win-win' outcomes, the issues most frequently addressed are transparency in negotiations, respect for existing land rights, sharing of benefits, environmental sustainability and adherence to national trade policies. These seem to suggest that good governance would diminish the dispossession and displacement of rural communities. However, the voluntary nature of such principles makes it arduous or impossible to

disinvested in the private sector and
government-owned enterprises were
not well managed. The government's
opportunities for economic growth
people's estimated needs. The
could threaten the environment.
60 million tribal people. The
displacement from their homes
involved one of the most
to the world. Finally,
the impact of climate change
projects on the environment.

In Indonesia, Malaysia, Papua New Guinea and India, exponential demand for palm oil for export is displacing millions of indigenous people from their lands. In Colombia, paramilitary forces are pushing people to flee their homes in search of refuge to avoid violence to the Colombian

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Members of the K'Quinch community in the Polochic Valley, Guatemala, look over the land from which the community was evicted.

tra down and penalise those who fail to follow them. Although existing protection mechanisms or people displaced following conflict, development or environmental degradation could eventually apply, there is first a need to acknowledge, truly understand and quantify displacement.

Given the exponential rise of green grabbing around the world, there is a need to move beyond the category of environmentally induced displacement in order to include the impact of climate change mitigation policies as a factor that influences displacement outcomes or migratory decisions.

The argument that it is the responsibility of the state to impose socially sustainable rules on these investments does not minimise the moral and ethical responsibilities of investors and consumers in the North to especially when it comes to green products. Significant responsibility also exists for their land and the environment.

human rights principles and protection mechanisms or the most vulnerable, could be a condition of the consumption of products that result from these investments.

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1. idal J (2008) www.tceguardian.com/environment/2008/eb/13/conservation
2. et the *Journal of Peasant Studies* or the most relevant a demi analysis on land grabbing in general and 'green grabbing' in part ular www.landonline.com/loi/fjps
3. k orld Ban f (2012) 'er orman e tandard 5. Land Acquisition and Involuntary Settlement' [tpd/siteresources.worldbank.org/MAN/CA/Esources/4.03_5.pdf](http://siteresources.worldbank.org/MAN/CA/Esources/4.03_5.pdf)
4. urvival International (2008) 'Bio uels threaten lands of 60 million tribal people' www.survivalinternational.org/news/3279
5. ECD# (2008) 'Bio uel by de k ee. nmas ing Burma's Bio uel' www.survivalinternational.org/news/3279

AD and the World Bank developed in 2010 Responsible Agriculture Investment Strategies (DIAE/G-20/ALASPX) and the Commission for Agriculture, the Agricultural Development Bank and the E have also and guidelines.

Stateless people and migrants are at greater risk of displacement and are less likely to receive assistance; in turn, environmental displacement (especially multiple migrations) heightens the risk of becoming stateless.

to create displacement, is the paucity of reliable data on which to formulate appropriate responses. Further research is needed to map the potential points of vulnerability created by statelessness in circumstances of environmental displacement and other impacts of disasters and climate change. Some of the areas where empirical research is needed include:

the potential for a loss of statelessness in receiving humanitarian assistance following disasters, or in receiving limited adaptation finance and support.

An example of the complex interaction of statelessness and environmental displacement can be found in the aftermath of the 2004 Indian Ocean tsunami. Some sources estimate that there are around one million stateless children living in

Malaysia are affected by [REDACTED] people are not prioritised in [REDACTED] support communities to recover [REDACTED]

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from disasters or adaptation to climate change. Climate finance is usually channelled through national governments rather than directly to the most affected individuals, making citizens in a potential condition of support. Beyond the consideration of stateless people in some environmental mitigation strategies, it seems that there is no substantial research currently underway that links environmental processes and statelessness with the exception of

work relating to climate change and the disappearance of low-lying island states.

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<https://devpolicy.crawford.anu.edu.au/>

1. See *Forced Migration Review* issue 32 (2009) on statelessness www.fmrreview.org/statelessness

A role for strategic litigation

Matthew Scott

Strategic litigation to protect individuals at risk can usefully support higher-level protection initiatives.

Strategic litigation sees to achieve significant changes in the law, practice or public awareness using methods such as bringing on test cases to the court, submitting *amicus curiae* briefs on ongoing cases, consistently advancing arguable points across a range of similar cases over time and so forth. It

Discussion of protection gaps relating to cross-border displacement in the context of disasters and the adverse effects of climate change often takes place at the relatively abstract level of provisions of international legal instruments. Less attention has been paid to the practicalities of securing protection for individuals at risk of disaster-related harm both in terms of how the law can be invoked against specific individuals and the role of lawyers and courts in addressing individual protection needs and thereby the scope of host state obligations.

In addition to the (sometimes surmountable) challenges presented by the law itself, a further 'protection gap' may operate if lawyers are not identifying cases where individuals may risk being exposed to

disaster-related harm on return to their home countries.¹ Lawyers may be constrained from asking relevant questions because they are conditioned by mental or a tual lists relating to the requirements or using refugee status or complementary forms of protection, and it can be difficult to fit outside of that box. Claimants may not point to a fear of disaster-related harm because they feel they need to present their protection narrative in terms easily reconcilable with established refugee categories.

A strategic litigation initiative around these matters should, firstly, provide the opportunity to test the actual scope of host state obligations. Two cases in the UK have made useful contributions to the understanding of the emerging principles in this emerging area of law. Both cases are considered not to be of international protection.²

The second case provides the opportunity to raise public awareness. Media coverage of the above-mentioned cases was substantial, with articles appearing in a number of international as well as local newspapers.

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irdly, strategic litigation can add some political pressure on states to take action on the human rights phenomenon. A strategic litigation initiative that brings a final case to a human suffering linked to disasters and the adverse effects of climate change through media and judicial channels can focus attention on finding appropriate responses where existing mechanisms and instruments currently are inadequate. It can

Finally, it signals to individuals that they are at risk of exposure to serious disaster-related harm and can support a claim for international protection, thereby promoting claimant self-identification and ongoing development of the law.

One strength of strategic litigation lies in its ability to incrementally develop the law against real-life scenarios. Close judicial scrutiny of the impact of climate change on individuals and communities exposed to increasing disaster risks, assessment of the sufficiency of protection that is available in the domestic legal system, and application of relevant law have the potential to deepen our understanding of the impact of climate change on displacement. A recent study by the European Commission and the UN High Commissioner for Human Rights, 'Displacement in the context of climate change, disasters and human rights', highlights the need to take action to address the impact of climate change on displacement.

Arguments. Strategic litigation can be a powerful tool for the identification of legal arguments and the development of the law. It can provide a platform for the expression of views on the impact of climate change on displacement and the need for international protection. It can also provide a platform for the development of legal arguments and the development of the law. Lawyers who are involved in strategic litigation can find effective legal arguments in novel scenarios are very well placed to advance thinking in this area.

Training: Drawing on arguments about the scope of state protection obligations, training and other awareness-raising activities aimed at practitioners can promote a more active engagement by lawyers with the possibility of claims from disaster-affected areas may have an arguable case if the facts are suitable. Lawyers will be better

placed to advise such individuals of the strengths and weaknesses of their case.

Strategy: Where an arguable case is identified, lawyers should be encouraged to collaborate with leading counsel, organisations with an interest in strategic litigation, country experts including those from disaster response backgrounds, and – depending on the nature of the case – with scientists. The case itself results in a decision, however present in a form of 'floodgates' but such a decision is a valuable expert advice.

Funding. The recommendation to support strategic litigation would be the creation of a strategic litigation fund (such as the Strategic Legal Fund for Vulnerable Young Migrants in the United Kingdom³). A similar initiative of using on protection in the context of disasters and the adverse effects of climate change could promote a diverse identification of protection needs and development of strategic approaches to securing protection in practice. The European Commission, along with other international as well as domestic actors may be well placed to contribute to such a fund.

The international protection framework will not be remade by a strategic litigation initiative. However, where individuals are at a substantial risk of being exposed to serious harm, strategic litigation as a potential to extend the currently prevailing restrictive interpretation of host state obligations in some cases.

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1. A qualitative pilot study conducted between 2013-2014 involving in-depth semi-structured interviews with leading asylum and immigration lawyers in the United Kingdom and Sweden suggested that practitioners in these jurisdictions may not be attuned to disaster risks in claimant countries of origin, and claimants themselves may not check such risks in their asylum narratives. See http://www.s.bepress.com/matt_ew_sott/6/

2. Teitiota v The Chief Executive of the Ministry of Business Innovation and Employment [2013] NZHC 8175, [2014] 1 NZLR 713 (2014) NZHC 800517-520

3. www.strategiclegislation.org/

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Floods and migration in the Czech Republic

Robert Stojanov, Ilan Kelman and Barbora Duží

Residents' strategies are generally aimed at either protection from or adaptation to flooding. Large-scale migration from the floodplains of rivers has not been seriously considered, even in high-risk zones.

The Czech Republic is of particular interest in the European context due to several recent flooding disasters which were national emergencies, including in 1997, 2002, 2006, 2010 and 2013. Weather extremes and climate variability are not the sole causes of floods in Central Europe. Other factors include housing, industrial buildings, transport and other infrastructure, river engineering, and agriculture in flood-prone zones near riverbeds.

Research has used data from 22 smaller municipalities in the Bohemian Paradise region in the eastern part of the country. Analyses based on interviews with residents show an increasing number of flood-affected households. The most common flood damage is old-level opening and closing strategies, both inside and outside houses (such as terraces, elevated ground floor construction and water barriers).

After flood damage, insurance companies have tended not to be willing to reimburse more than 50-60% of the damage. Residents were not satisfied with this; it is a very limited amount of money due to the lack of flood insurance. Furthermore, the government has moved away from flood insurance and more education about flood risk (and abandonment) has been detrimental to the community.

The house is located at the confluence of two small streams. In every spring the streams overflowed and

the couple who live here stated that when the house was built flooding did not occur so frequently. "We would like to move from our house", the wife told us, "but the house is unsaleable and no insurance company will insure it. We have to stay here. We can't do anything else."

Because the house is unsaleable and the owners are retired, they do not have sufficient funds to repair it. They cannot buy a new property as selling would be difficult. The couple are left with the option to remain and live with the inconveniences with their family in the village, so the couple do not plan to move from the floods.

In 1997, two parents and their daughter were killed and their husband lost their only child. The biggest Czech flood in 1997 was caused by a tree which fell on the roof and caused the house to collapse. The parents were so sad that they built a new house on the same site. The house was built with the help of the community. The residents were all very satisfied. The village did not lose its residents (and thus its taxes and state subsidies) while the family did not lose their friends or their base and remained part of the community.

Mainly because people are reluctant to move due to the costs and the loss of home, house owners have a tendency to repair damage rather than to implement costly adaptation measures. There is a range of migration responses, from those who gain by moving, using the flood as an impetus to those who

The contributions of David Procházka of Mendel University in Brno and Tomáš Daněk of Palacký University in Olomouc are also acknowledged.

the programme, called 'The Future', is commendable as it aims to rescue families living alongside or on stilts in waterways. In a lot, the families did not da emu onvin ing, partly because there is an allotted budget but mainly because the families themselves had had enough. They were quite willing to move out of their own safety, especially to experience a yoon ndoy flooded Metro Manila to 0-30 feet. His willingness to live w o historically ave ant about continuing to dangerous dwellings is a great t at the government



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as to take advantage of, especially in this country that has a lot to improve in planning just and humane demolition and eviction

There are some 40,000 affected families with an average household size of slightly more than five persons and an average family income below the official poverty line. In their view, it was never a reason to give up their traditional livelihoods. Part of the reason for their reluctance to start a new life in resettlement sites was that they had no other livelihood opportunities. They also had no money for moving expenses. For them, the government's offer of a new home was not enough.

For many of them, the move to a new home was a long and difficult process. They had to leave their homes and families behind, and establish a new life in a new place. The government had promised them that it would provide them with all the necessary facilities and services, but in reality, they found themselves in a new situation. They had to start from scratch, and they had to face many challenges. The government had promised them that it would provide them with all the necessary facilities and services, but in reality, they found themselves in a new situation. They had to start from scratch, and they had to face many challenges.

Evaluating the programme

The programme was evaluated in two parts. The first part was a desk review of the programme's documentation, and the second part was a field visit to the resettlement sites.



Destruction wrought by Typhoon Haiyan in the town of Tanauan in the Philippines, November 2013.

Settler families conducted research on the effectiveness of the programme on the well-being of families that had been relocated to ten resettlement sites between 2013 and August 2014.

When going to the sites, it is noticeable how far they are from the commercial centre and how poor the accessibility to the road network is. The sites are far from the land in the surrounding areas with thousands of houses in rows. Being detached from the urban formal economy and livelihood, there is a problem in distance and opportunities in order for these communities to thrive.

At first sight the families did well at work. The Filipinos do – they smiled as it all is fine. But when we asked them how they are and they realised what we had come to discover, people in the community readily expressed their anxieties. They lamented that at the resettlement sites, they are exposed to the dangers in their new dwellings, they did not escape the problems brought about by hunger. The government of the surveyed families had promised to raise the family income, with the aim of reducing unemployment since being unemployed is insecure and exacerbated by the inadequate and irregular provision of basic services, like drinking water and power, access to health, and education for the children. They assert that life in the resettlement site is doubly hard.

In the hunger zone, they say, they seemed to be in a danger zone. They admitted that life was difficult, in which they had to rely on the services of the government. The government is not doing enough to help them, and it is a very alarming situation. The government has promised to provide them with all the necessary facilities and services, but in reality, they found themselves in a new situation. They had to start from scratch, and they had to face many challenges. The government had promised them that it would provide them with all the necessary facilities and services, but in reality, they found themselves in a new situation. They had to start from scratch, and they had to face many challenges.

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orsening poverty in every resettlement site as a result of a collapse in the very structure of opportunities. These opportunities could have been created prior to the flooding, or, at the very least, the government could have been a subsidy programme to help the poor gradually restore their quality of life.

In their former communities they used to be a source of income and reliable labour for their neighbours. Almost certainly, the government needed to have been there to help them. Displacement has taken away their lives and replaced it with distance, unmet provision of basic services and unknown neighbours. It continues to be a challenge for the government to achieve its goal of a better future for the resettlers.

The new Future resettlement programme is laudable in terms of its multi-sectoral approach and a wider participation space for the affected families. Nonetheless, the short-sighted view of a 'safe future' for the resettled families that involves no more

than keeping them safe from flooding gets in the way of seeing the greater demands of a truly safe future for the community in the long term. A long-term strategy is only the first of many challenging subsequent steps. Post-resettlement efforts could capitalise on its participatory approach, and move towards meeting the basic needs of families and rebuilding social structures. Establishing our society's future opportunities. A nation can never over-spend on the basic needs of its people.

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The views expressed in this article are those of the authors alone and do not represent the views of the institution they are connected to.

Post-disaster resettlement in the Philippines: a risky strategy

Alice R Thomas

Experience in the Philippines following Typhoon Haiyan suggests that resettlement as a strategy for mitigating disaster-induced displacement can create significant protection risks.

In 2013, super typhoon Haiyan hit the Philippines, displacing four million people. The disaster's wake, the government has announced, has given the country's exposure to typhoons, it would be no 'no build zones' (B-s) within 40 metres of the high water mark in the affected areas. These

Due to insufficient advance planning and slow implementation, however, the NB policy and relocation programme has only served to prolong displacement and potentially increase the vulnerability of hundreds of thousands of primarily poor, landless house olds.

A majority of those displaced by the storm previously lived in huts and other forms of non-permanent housing adjacent to the sea (or in some cases, on stilts over it) that were obliterated by the typhoon's winds and storm surge. Having lost family members or neighbours in the storm, many want to be

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related to safer areas. However, while the NB policy was well-intentioned as a means to protect vulnerable populations exposed to future typhoons and storm surges, it ran into legal obstacles and did not conform to human rights standards. It did not seem to be based on any law or regulation. The 40-metre line seemed arbitrary, and in the absence of any hazard risk assessment, the type of storm surge that travelled a kilometre inland, rendering the 40-metre line meaningless. The policy – which was developed in the Philippines – was not based on scientific data, and now requires local governments and municipalities to delineate high and low hazard risk zones based on hazard mapping, and to include in their zoning types of structures that are not in these areas.

poor conditions in evacuation centres and the lack of transitional shelter sites, it is understandable that many of the displaced chose to return to their former communities and rebuild their homes despite the rebuilding of the evacuation centres as let many vulnerable to the next storm.

Resettlement projects are being implemented, but the primary approach is to move people to higher ground, regardless of the local conditions, social services and livelihoods. Displaced families selected for resettlement are often from remote areas, and the sites will limit their access to jobs and schools, and dislocate them from urban centres and community livelihoods. It is also taking place in the absence of public transportation systems or subsidies or private transport that would allow resettled families to work or access jobs, schools, hospitals or other social services. On the positive side, several resettlement projects have promised security of land tenure. Local municipalities have rejected this approach but they exact that beneficiaries will sell their new homes and move elsewhere.

Nagengies and other international and local humanitarian organisations engaged in the typhoon response ran into difficulties navigating the NB policy and resettlement programme especially where municipalities were prohibiting them from providing assistance. In the case of those who had returned to NB sites, undoubtedly, the main cause of confusion was the government's lack of clarity regarding implementation of the NB policy and relocation programme. Ultimately, the UN humanitarian country team (HCT) developed guidance regarding the provision of assistance to people residing in NB sites and to help emergency agencies decide whether or not to become involved in the relocation and resettlement process, given the inherent risks. Given that those affected by the NB policy were among the most vulnerable, a stronger, more unified approach by the HCT was needed from the outset.

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the post-Haiyan resettlement programme will require long-term monitoring. Meanwhile, both governments and shelter agencies must think beyond passively relocating people to empty plots of land in remote areas; an alternative, for example, could be to use of 'in-filling' in urban areas. In a 2014 report, the United Nations High Commissioner for Refugees (UNHCR) implemented pilot projects in the Philippines, sufficient to allow people to return to existing communities. The UNHCR is also facilitating displacement and resettlement of multi-storey tenants in the Philippines, with landlord-tenant arrangements.

Resettlement is a long process that in most post-disaster scenarios will outlast the presence of humanitarian aid. Where people are being prevented from returning pending resettlement, people will not only be displaced for longer periods but also be in increased political risk. In the case of Haiyan, the remaining one million people or so who are either still displaced or are living in makeshift shelters in 'unsafe areas' are testimony to this.

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Facilitating voluntary adaptive migration in the Pacific

Bruce Burson and Richard Bedford

Voluntary adaptive migration across international borders will be a critical component of an overall adaptation strategy for at-risk individuals and households in the Pacific region in order to increase their resilience to natural hazards and prevent future displacement.

Both the colonisation process and the mandate of the United Nations High Commissioner for Refugees (UNHCR) have had a profound effect on regional mobility in Oceania. They provided the foundations for a multiplicity of sub-regional 'lusters' in the Pacific Island countries and territories (PILCTs) within which members have varying levels of privileges. Formerly continuing colonial, mandate or trustee states (such as New Zealand, France and the United States) have 'luster' hubs. Key

to the 'luster' system is the 'luster' hub, the Group, including states of Papua New Guinea, Solomon Islands and the Federated States of Micronesia. Still a French overseas territory, New Caledonia is a French overseas territory. Consequently, members' rights are more homogeneous than to privileged rights of entry as visitors or temporary access to the labour market of member of the luster.

The effect of this lustering has been to greatly constrain the capacity for cross-border mobility overall but with considerable variation. For example, rights include the granting of unrestricted rights to entry and stay by way of an entitlement to citizenship in the host state; preferential entitlement to residence by targeted quotas; and privileged access to the sub-state labour market and temporary work in certain sectors of the sub-state economy.

In absolute terms, the numbers of persons displaced by disasters in Oceania is low compared to other regions. An estimated 318,000 people have been displaced by sudden-onset disasters over the past five years. However, in per capita terms, the picture is different; in 2012 Samoa and Fiji were among the ten countries worldwide with the highest per capita levels of displacement.

Immigration in the new state region contains a range of pathways to residence. In many cases residence is granted to spouses and dependent children of host-state citizens. In host states with an established diaspora, it is *will be* a case of *ultrapolicy* or a facilitating voluntary adaptive migration over time. However, although family life through out the city typically involves extended family networks spanning close-knit communities or villages, most immigration policies in the region have no specific provisions aimed at a facilitating the migration of the wider family group.

the current regional legal framework

If a region has islands where most borders are lines on a map, a rough vast ocean space, affecting cross-border movement is difficult. Existing regional immigration frameworks typically do not have policies specifically aimed at facilitating cross-border movement in response to natural disasters or in anticipation of future disasters linked to climate change.

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This article is drawn from a study carried out on behalf of the Nansen Initiative entitled *Clusters and Hubs: Toward a Regional Architecture for Voluntary Adaptive Migration in the Pacific*.

<http://tinyurl.com/Nansen-PacificRegional>



'Canoes vs Coal' Pacific Climate Warriors flotilla

On 17 October 2014, Pacific Climate Warriors from the Pacific Islands, supported by hundreds of people from around Australia and the world, blockaded the world's biggest coal-exporting port, in Newcastle, New South Wales, Australia.

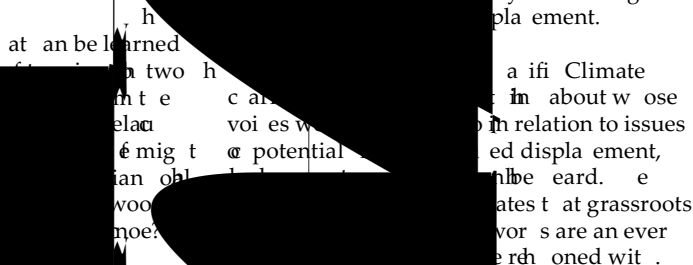


Not drowning but fighting: Pacific Islands activists

Focusing on climate-induced migration rather than mitigation can be at odds with grassroots demands and can make the future uninhabitability of some Pacific Islands appear as a foregone conclusion.

crise, many communities in these countries have not given up the fight. Indisputably, there is a severe threat that people will be displaced, internally or internationally, and in the case of the Carteret Islands this displacement has already begun. Even we do not solely on managing displacement in these countries than work on the risk of major floods on those of some a self-fulfilling prophecy. The climate warriors did not stop ships in order to secure their future as climate refugees. Instead they issued a call for large polluting companies and states to take responsibility for their environmentally destructive actions and take mitigating action before it is too late.

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1. For more on t e a ifi Climate arriors see <http://world.350.org/pa ifi warriors/>.

Samoa: local knowledge, climate change and population movements

Ximena Flores-Palacios

The voices of scientists, academics, politicians and development practitioners dominate the climate change debate, yet local knowledge, values and beliefs are essential elements of navigating the way forward for affected communities.

Samoa, located in the southern Pacific Ocean, is a small island nation with a population of approximately 200,000 people concentrated on the main islands (Upolu and Savai'i). The country is highly vulnerable to climate change with approximately 70% of the population and infrastructure located in coastal areas. The impact of climate change is being felt in Samoa, particularly in the coastal areas. There are also gender impacts as a result of climate change. In addition, in a situation of climate stress women are likely to be affected the most as they are the ones who are responsible for the children and the elderly.

"Some of our members have gone away to America, New Zealand and Australia. They have gone away in search of fortune ... and because of the change of weather and to look for work to help and support family, but no one cares, no one loves me and my small children. I would leave this place only if and when it is God's will. But I can't go away." (40-year-old widow)

Local knowledge is guided by the concept of *Fa'a Samoa*, which is an umbrella term that encompasses the social structure of the country. *Fa'a Samoa* has remained strong, despite long exposure to western influences. Land is held in a family unit with Samoan custom and usage, and it represents identity, culture and community. Traditional coping mechanisms in times of crisis include family safety nets, where remittances from family members play a key role, and the ability to diversify family income.

Local knowledge of climate change is affecting people in different ways. Those who suffer the most vulnerable, such as those who cannot have a steady remittance from family members, and in particular women and children, have to rely on their own resources to cope with climate change. They said they have been

halted by the majority of people in Lotoaga are familiar with the term 'climate change', it is not clear how the 'climate change' information can be applied to their daily lives. In contrast, they are absolutely aware of the changes in their own environment and the effects that climate change has been having on their lives and livelihoods. Some people rely on their traditional knowledge to interpret the changes occurring in their environment and believe that climate change is part of a cycle, which is associated with the climate change with God's will. In general, people in Lotoaga do not describe themselves as victims of climate change. They said they have been

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leading with a changing environment or hurricanes and they have learnt to adapt to these changes or generations.

Village residents need better access to information about climate change and its implications. An interviewed male village chief stated:

"... we hear all this very technological terminology from government and others, and on the radio, but we really need to make sure that we understand what climate change is ... because many of these concepts are in terms of global processes when it's very important for rural people to better align what they are doing at the village level ... and what we can do in our own villages."

Young people and migrants have better access to information through mass and social media and also through education campaigns about climate change and disaster risk reduction. Migrants living abroad are aware of the impact of climate change in Samoa and they support family members when natural disasters occur. However, increasing needs increase the burden on migrants.

Village residents and migrants have political concerns related to climate change. The male village chief who lives in the capital, Apia, is referring to climate justice said:

"It's quite unfair to start talking about climate change, how you adapt to climate change or how much contribution you have to make towards a global responsibility when we have contributed a negligible amount or even nothing to the problem."

Population movements

In the case of Lotoaga, population movements have been influenced by a combination of economic, social and environmental factors. Although it is difficult to disentangle the change from other drivers of migration, decisions to move are made by individuals or families, inland from coastal areas, to Apia temporarily or permanently, or abroad.

Mobility is a strategy to diversify family income, to see better access to education

and employment, to expand social networks, as well as to respond to environmental and climate changes. It is possible to define four types of population movements according to climate change in the village.

Mobility within the village: Over recent decades, a significant number of families have moved inland. Lotocaga was once located directly on the coast but now there are only a few houses left there. The explanation is that some people moved inland as better access roads were built. Another reason is that a combination of slow-onset environmental events (e.g. coastal erosion) and sudden-onset events (such as the 2009 tsunami and Cyclone Evan in 2012) has forced people to relocate inland. Very few families are still living on the coast although they are aware of the risks associated with their decision to stay.

Circular mobility: In Lotocaga there is evidence of circulation between the village and Apia or other countries of the country to diversify income.

Rural-urban migration: Although village residents mentioned economic factors as the main drivers of migration, subsistence agriculture is greatly affected by climate variability and it does not provide enough income.

Migration abroad: In the case of migration to New Zealand and Australia, work opportunities, education and family reunion are the main reasons indicated by people who have moved to the country. The opportunities in foreign countries attract mainly men, who have the perception that the village is getting harder.

Population movements, although within the village, have modified cultural structures. Every person is seen as a history, a significant element of the cultural heritage. In some cases, these movements involve a rupture of the connection between the family and the community in the land which is difficult to recover afterwards.

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Migrants – although they have a strong connection with their village because it provides them with a sense of identity and belonging – now have to navigate two worlds. Migrants living in Apia participate in the life of the community more frequently, while for migrants living abroad returning to the village is a difficult endeavour. Migrants are committed to ceremonial, family and village obligations, and also are expected to provide help to family members affected by environmental problems and natural disasters.

Far from being fatalistic about climate change, people have developed adaptation strategies using their own knowledge.

They have not been seeing solutions aimed only at adapting to climate change but rather holistic solutions to increase their resilience to a wide range of challenges. However, climate change is now threatening the very roots of traditional knowledge which by which their livelihoods are supported.

Although population movements are not a new phenomenon in Loto'aga, climate change now appears as a real contributory factor. Based on the village study findings, at the national level:

■ there is a need to combine different knowledge systems to understand the impact of climate change



■ migration is an adaptation strategy to climate change and has to be addressed at the policy level

■ traditional knowledge has to be integrated into climate change adaptation policies

■ policy responses to environmental migration and climate change have to start at the village level.

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Cross-border migration with dignity in Kiribati

Karen E McNamara

The 'migration with dignity' policy is part of Kiribati's long-term nation-wide relocation strategy.

Cross-border labour migration is proposed by the Kiribati government as an example of a governmental response to climate-induced change, where the demographic point is at the individual or household level.

Kiribati is made up of 32 atolls scattered across the southern Pacific Ocean. Long-term habitability of these low-lying islands is threatened by sea-level rise and, in an effort to plan for the challenges ahead, a number of policies have been implemented to create a more sustainable future. Internationally, no other island state has been above the sea level. The government has attempted to develop policies to encourage its citizens to migrate.

The 'migration with dignity' policy is part of Kiribati's long-term nation-wide relocation strategy. The first part of this policy is to create opportunities for those who wish to migrate abroad now and in the near future. The goal is to encourage expatriate communities in various receiving countries, such as Australia and New Zealand, so that they may support other migrants in the longer term, and also

to ensure an effective opportunity for remittances to be sent back. It is mostly subsidised by the government, but a small part of this policy is to improve the levels of educational and vocational qualifications that can be obtained in Kiribati, so that they may then be available in the places where residents may migrate to. It is hoped that this training and upskilling will provide opportunities to migrate abroad 'with dignity' and build on existing cross-border labour arrangements.

This policy, however, only helps pave the way for those who are ready and willing to migrate but it does not reach everyone, especially those with very limited literacy skills or those with largely subsidised livelihoods. Given that this is an option to safeguard livelihoods is only entered on a restricted number of people, this policy falls short of equitably ensuring protective migration mechanisms for all. A further consideration relates to whether or not such a policy will

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Land, disasters and mobility in the South Pacific

Daniel Fitzpatrick

The adaptive characteristics of customary land systems deserve greater recognition in disaster or climate change policy frameworks.

Policy frameworks on disasters and human mobility tend to overlook the role of customary governments in responding to displacement and on state-based mechanisms or a facilitating relocation. However, a few states are a number of governance constraints in responding to disaster-related human mobility, not least of which is that at most an 80% of land in most Pacific countries is classified as customary land, that is, held by local groups.

There is a reluctance by Pacific governments to select customary land as a site for planned resettlement, or temporary shelter or IDPs, due to fears of conflict with customary claimants, or uncertainty as to the identification of customary owners. Most Pacific states prefer to select state land as sites for temporary shelter or planned resettlement in order to avoid the necessity of agreements with customary land holding groups. Such a reluctance substantially limits the amount of land available for resettlement. The selection by the state based on the legal status of land may preclude the potential for alternatives where people preferred pre-emptive family- or kin-based pathways of migration.

Movement within the land of customary land groups is less likely to raise legal issues than movement beyond the boundaries of customary territory. Relatively successful examples of movement within a customary territory include the inland resettlement of Samoan families after the 2009 tsunami, and the recent resettlement of the Narioso community in Fiji as a result of coastal erosion. At the same time, customary land management has the potential to marginalise internally displaced persons who do not have kinship links to the local land holding group.

Legal rules that mandate an intermediary role for the state in formal dealings over customary land often reflect the role of the administrative capacity of most Pacific

states, particularly in terms of resolving land conflict and have the potential to undermine the adaptive capacity of customary land systems to realise their agreement with displaced persons. Besides, the selection of state-owned land does not remove the need for consultation with local communities and measures to reduce risks so conflict with local communities. The state must act as an intermediary if transfers of rights to customary land, procedures to ensure informed consent to voluntary acquisition of land by the state are important in order to reduce the potential for later contestation over land provided or resettlement. In addition, voluntary agreements to acquire land or resettlement should be registered in state systems of land administration.

Historical pathways or adaptive migration deserve greater recognition in state guidelines or resettlement. An example is the Papua New Guinea guidelines for the relocation of Carteret Islanders, which establishes criteria for priority assistance that include the ability to relocate to areas held or owned by relatives within the same kinship line. The adaptive characteristics of customary land systems deserve greater recognition in disaster or climate change policy frameworks.

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This article is based on a review of land, human mobility and natural disasters in the South Pacific commissioned by the Nansen Initiative after the Pacific Regional Consultation on 'Human Mobility, Natural Disasters and Climate Change in the Pacific' in 2013. www2.nanseninitiative.org/pacific-consultations-intergovernmental/ The author is grateful for Future Fellowship funding assistance from the Australian Research Council (FT110101065).

Integrating resilience in South Asia

Mi Zhou and Dorien Braam

Communities can strengthen their resilience by integrating disaster risk reduction, climate change adaptation and poverty reduction measures.

The complexity of the drivers of displacement in communities increases the risks associated with future natural hazards, while exacerbating their existing vulnerabilities. Communities can reduce their vulnerability to displacement by better preparing for disasters and climate change, i displacement does occur, more resilient communities are able to reduce the risks associated with displacement by a more efficient restoration of their essential structures and institutions. In fact, what makes a community resilient differs from place to place, considering the geography, climate, economy, politics, people and so on. But simply: the more resilient a community, the less the risk and impact to displacement.

ministries to incorporate effective D strategies into their day-to-day functioning and provide funding. A lack of resources and influence leads to a disaster management agencies to have a limited view of their own tasks, and disaster management effectively becomes a form of disaster response. In disaster management agencies should be strengthened, as they have the potential to integrate DRR – to avoid repeating past mistakes – and CCA – to anticipate projected climate change and mitigate them.

Community resilience strategies

Communities affected by disasters often mitigate the risks of displacement through migration. People tend to move to the family go to urban centres or overseas – in irregular movements or temporarily – to diversify their asset base beyond what is derived from disaster-affected land or agriculture.

Communities vary in levels of risk awareness and resilience initiatives. In many cases, there are traditional practices and knowledge that can help mitigate the risks, even if communities do not link these to climate change. In Afghanistan, for example, communities with previous experience of flooding have early warning systems based on the water-charing mechanisms where a *mirab* (water master) warns downstream villages of impending floods. By contrast, refugees and returnees had no awareness of flash flooding, had no emergency response strategies and suffered loss of lives and food stores.

While community-based solutions are likely to have local ownership and communities must be actively involved in identification of needs, vulnerabilities and solutions, new technologies can be introduced to augment existing knowledge. The *mirab* system, or can be supplemented or adapted

There is a growing consensus that resilience measures need to integrate disaster risk reduction (DRR), climate change adaptation (CCA) and poverty reduction (P). Across South Asia, these areas of action are usually compartmentalised and separately tasked to different institutions, or in segregated departments within institutions, whereas communities exposed to climate change and risk, sit on equal distinctions between DRR, CCA and P are a reality. In addition, it is on using or communities in multi-risk environments to engage with different organisations working separately with different agendas. Working in 'silos' within these domains can lead to contradictory or counterproductive interventions, and duplication of efforts.

Many disaster management agencies in South Asia were established or re-structured after the 2004 Indian Ocean tsunami but are generally primarily administrative bodies and do not have the authority and status to influence planning and development agendas. Most national and sub-national disaster agencies have to

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- h t rough dissemination of technical knowledge and expertise to improve water resource management, particularly during droughts.
- c Many community resilience strategies are based on securing existing assets and diversifying them. Similarly, governments should aim to diversify their financial strategies and create cost-sharing mechanisms.
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"Everyone likes it here"

Himani Upadhyay, Ilan Kelman and Divya Mohan

Sea-level rise threatens communities of the Lakshadweep islands. But what happens when belongingness, religious beliefs and the identity of being an islander make them stay?

The global narrative of the impacts of climate change on islands often presents island communities as refugees in waiting. It is popular discourse that odds with the global perceptions of climate change. In Lakshadweep, a group of islands off the south-western coast of India, one carries that water to their day-to-day needs of food and fuel and it hinders inter-island transport. Climate change does not yet manifest as a survival threat or as a risk to their livelihoods; it makes sense to outsiders but not to the islanders.

Migration or belongingness

In Lakshadweep, climate change is not yet fully entered the vocabulary of the islanders. In recent years they have noted increased storm surges or 'big waves', flooding, changes in temperature and rainfall. In 2004, the Indian Ocean tsunami (and the change) as the tsunami was felt by them. They have personally experienced the sea level rise, but they are unable to link them with the global processes such as climate change. The islanders do not envisage the melting of glaciers or thermal expansion, but it will contribute to sea-level rise. This is different worldview serves to widen the gap between risk to community acted by the scientific community and those perceived by the vulnerable populations.

In the interim, and the problem of beach erosion will affect the local jetties is a serious concern to the islanders as it is a dire threat to the working



Divya Mohan

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whether voluntarily or involuntarily, poses a threat to their values and belief systems.

Regular public discussions are a source of information on climate change and its risks.

When considering the impact of climate change on vulnerable populations, it is important to consider the role of traditional knowledge and environmental stressors. In the context of climate change adaptation, while the level of risk is high, the level of risk is high. In the context of climate change adaptation, while the level of risk is high, the level of risk is high. In the context of climate change adaptation, while the level of risk is high, the level of risk is high.

Climate induced-migration, it is often, is likely to erode the exact identity, local culture and traditional knowledge that can be used in making them resilient. If this kind of loss cannot easily be assigned a value, there needs to be a constructive debate on how to compensate for loss of homeland, culture and values – and what the criteria will be for distributing resources when it is so challenging to establish what the loss is and how much the damage is.

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Building adaptive capacity in Assam

Soumyadeep Banerjee, Suman Bisht and Bidhubhusan Mahapatra

A starting point for adapting to longer-term climate change could be adaptation to short-term climate variability and extreme events. Making more informed choices about the use of remittances can enhance the adaptive capacity of remittance-receiving households.

Assam state in north-eastern India experiences annual floods which displace people, destroy crops, kill livestock and cause damage in infrastructure. Dependence on natural resource-based livelihoods in such an area that is also less developed makes households vulnerable to floods. The Lakhimpur district of Assam is among the worst flood-affected districts in the state. Remittances are increasingly becoming a vital component of household income in Lakhimpur and can be a potential financing mechanism to fulfil the unmet adaptation requirements of the recipient households.

When migrant workers send back remittances, they are often used for consumption and for investment in the home.

Across India, it is often women who are responsible for household preparedness, risk management, or other household activities. When opportunities for employment are limited, women are often in a better position to access government services than men do. Migration often requires more resources for women to acquire skills, capabilities and knowledge to deal with new challenges.

Remittance inflow increases in the aftermath of floods in this area and is used to procure provisions, rebuild livelihoods and repair houses. Recipient households' flood responses are primarily focused on coping with the flood (e.g. temporary shelter or

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ck livestock and people, storing food or drinking water) and on recovery in the immediate aftermath of the flood. Flood preparedness is sporadic and constrained by: uncertainty about the benefits of building house old-level adaptive capacity while basic needs (e.g. food, health care, shelter) remain unaddressed, low volume of remittances, lack of financial literacy and access to financial services (particularly among women who are the recipients and managers of remittances) and lack of understanding and technical input in 'low-livelihood'.

Financial literacy

In action research with the International Centre for Development and Adaptation (ICIMOD) and the International Labour Office (ILO), a wayam (community) approach to remittance-based household level financial literacy and flood preparedness trainings

are envisaged to enhance the human capital of the recipient households. This action research identifies a special interest group in the rural communities.

Financial literacy training in particular aims to maximise the financial returns, avoid unnecessary expenses and support saving in the household. The training on flood preparedness envisages training the women in financial literacy and flood preparedness with the savings and investment remittances in 'low-cost flood preparedness' (e.g. emergency food storage, safe water and improved ovens) and improved adaptive capacity of recipient households as the first step towards adaptation. These sessions are complemented by community-level extension services or beneficiary household visits, support to access financial institutions, dissemination of information on government schemes that are provided by the village coordinators.

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While some of these interventions may be commonplace in poverty reduction, disaster risk reduction or development, their linkages with adaptation, adaptive capacity and remittances are new. Women from the selected recipient households have shown a lot of enthusiasm for the training and extension services. This is highly significant as these women are, probably for the first time, considering flood preparedness as a feasible long-term activity for the household, and not just leaving it to the government and NGOs.

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The assistance of the following in formulating this article is also acknowledged: Sanjay Sharma of ICIMOD; Dhattatreya Hosagrahar of the Institute of Integrated Resource Management, Tezpur; Rajesh Badakh, Laxmikant Malvadkar and Chandran Puthiyottill of Swayam Shikshan Prayog, Pune; and Parthajyoti Das of Aaranyak, Guwahati. The authors also thank Professor Dominic Kniveton from the University of Sussex for his continued support.

This research was undertaken under the Himalayan Climate Change Adaptation Programme (HICAP). HICAP is implemented jointly by ICIMOD, CICERO and GRID-Arendal in collaboration with local partners and is supported by the Governments of Norway and Sweden.

1. Based on a joint study by ICIMOD and Aaranyak.

Mixed motivations and complex causality in the Mekong

Jessica Marsh

Many climate change-affected communities have already been using migration as a means to adapt to and withstand the challenges to their livelihoods and security. Strengthening of existing protections for all migrants is clearly advantageous in the context of climate change.

In the Greater Mekong subregion¹ there is a strong correlation between people's perception of negative environmental changes and decisions about migration. However, it is also clear that other factors are equally if not more important in decisions about migration, and that economic and environmental factors are inextricably linked.

In the May Gyi Cay Htaung village in Myanmar's central dry zone, conditions are arid all year-round, with limited rain all. Residents report experiencing lower average rainfall and more extremely warm weather. Research partners ECHO and the Foundation for Education and Development found that

environmental changes are affecting lives, in particular in relation to increasing debt and decreasing income, increasing food insecurity, negative health impacts, and decreasing quality and quantity of crops.

Low income means that it is difficult for residents to absorb savings which could act as a buffer during periods of climatic variability, water stress and environmental change. Currently out-migration – mostly to nearby towns, with smaller numbers migrating further afield – is occurring primarily as a result of a lack of jobs, environmental changes and health hazards. A majority of people cited environmental changes

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One good reason to speak of 'climate refugees'

François Gemenne

The concept of 'environmental refugees', or 'climate refugees', has been progressively abandoned, as having no legal basis. I want to argue that there are good reasons to use the term.

the difficulty of isolating environmental factors from other drivers of migration still exists but no-one now seems to deny their importance as a driving force of displacement. The concept of 'environmental migration' is now a common feature in migration studies, and the number of research projects, workshops and conferences on this topic has vastly expanded in recent years.

Some geologists advocate the use of the term 'Anthropocene' to signal a new geological era, of the Age of Humans, where we have become the major driver of transformation of the Earth. This is a formidable political statement. And it is also a statement of ecological science: that the world – the social and political organisation of the Earth – can no longer be thought of separately from the Earth. But the world and the Earth need to be founded on as one global system; geopolitics is no longer about power relations between states and seas.

Is this a new political Earth?

But here we also need to consider the role of humans. Have we changed things on the planet? In fact, the answer to these questions is

Migration as a common

As the concept of 'environmental migration' has gained currency, migration has become a last resort to keep people in place when they have exhausted all possible options or adaptation in their place of origin. Many scholars, including myself, have insisted that this depiction of migrants is decidedly not material reality, and that migration was often a resource used by migrants to deal

with environmental changes. We insisted that migrants should not be perceived as resourceless victims, paying the price of climate change, but rather as resourceful agents of their own adaptation. We argued that migration could indeed prove to be a powerful adaptation strategy whereby migrants could diversify their incomes, alleviate environmental pressures in their region of origin, send remittances, or simply put themselves and their families out of harm's way. And this view was soon embraced by many institutions and organisations. It even made its way into the international negotiations on climate change. In 2010, the Cancun Adaptation Framework spoke of "measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation (...)"²

It was also a paradigm shift: that migration in the context of climate change was no longer a disaster to avoid at all costs but a strategy that ought to be encouraged and facilitated. The movement of people was no longer a matter of migration policy but rather of environmental policy – an adaptation strategy.

But about those who were forced to flee as a result of environmental disruptions, those who would have liked to stay but could not? These displaced persons are often considered as a sort of a damage that could be addressed through the Loss and Damage mechanism in the climate negotiations.

Related to climate change and adaptation, we might say that we could enable, prevent and manage. And this is something that the research community, and the public, need to be aware of.

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Why we let migrants down

However, I am forced to realise that there is something at work in this process of 'de-victimisation' of migrants. The ad used environmental NGO to de-politicise migration and, finally, our quest to make research policy-relevant, we could look at policies that cover politics. In our attempt to stress the agency of the migrants, we have forgotten the responsibility that we add towards them, because we humans are becoming the main agents of transformation of the Earth. And the result of this transformation is asked to make the Earth hospitable on the Earth in a really uninhabitable or a growing number of people.

A fundamental difficulty in the collective action against climate change is that those who need to undertake most of the effort to cut greenhouse gas emissions – the industrialised countries – are also the least affected by the impacts of global warming. Industrialised nations have to us little incentive to act; our agency is undermined by our self-interest.

Climate change, indeed, is rooted in the inequalities between rich and poor; and migration is a mode through which these inequalities materialise. Early theories on migration assumed that migration could be an adjustment between inequalities, yet it is the symptom rather than the cure.

De-politicising migration

In the press and in public debates, those who are uprooted by climate change were once hailed 'climate refugees'. Legal scholars and international organisations, however, have been very keen to dismiss the term as having no legal basis. Most scholars – logically – agreed not to use the term and to use more clinical terms such as 'climate-induced migrants', 'mobility in the context of climate change', etc. I was one of them, and I think I was wrong.

By foregoing the term 'climate refugee' we have also de-politicised the reality of these migrations. A central element in the concept

of 'refugee' is persecution: in order to qualify as a refugee, you need to be fleeing persecution, or to fear persecution. Forgoing the term 'climate refugee' is also, in a way, foregoing the idea that climate change is a form of persecution against the most vulnerable and that climate-induced migration is a very political matter, rather than an environmental one.³ For this reason, and contrary to what I might have thought (and written) in the past, and despite the legal difficulties, I think it is a very strong reason to use the term again: because it recognises that these migrations are first and foremost the result of a persecution that is inflicted on the most vulnerable.

In April 2013 in Bangladesh the banana lorry carrying a body collapsed while the driver was more than 1,000 workers. At that time, I was instructed by the international community to the disaster: not only was there a wide-ranging outcry at the working conditions in these factories but many people held the clothing companies responsible for the disaster. Some stopped buying clothes from big-street retail chains and called for a boycott, or demanded better working conditions for the garment workers in Bangladesh. It was as if people suddenly realised that their buying decisions had consequences for people on the other side of the planet.

Bangladesh is also a country at the forefront of climate impacts, where displacements are already a common feature. At the same time between the end of the 1990s and the suffering of the victims, who was made on the occasion of the banana lorry tragedy, does not seem to be made for climate change. And this is why there is at least one very good reason to speak of 'climate refugees'.

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1. See Dun & Gemenne F, 'Defining "environmental migration"', *Forced Migration Review* issue 31 www.mreview.org/en/FM_pds/FM_61/10-11.pd

2fArti le 14 ()

3. Conisbee M & Imms A (2003) *Environmental Refugees. The case for Recognition*. London, New Economics Foundation.

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Governance questions for the international community

Alexander Betts

The Nansen Initiative has highlighted significant questions about how the international community should collectively think about displacement and mobility issues relating to natural disasters and climate change, and how to improve the governance thereof.

The Nansen Initiative focused initially on cross-border displacement in the context of natural disasters and climate change.

In practice, however, as the initiative has evolved, its focus has broadened, in recognition that to consider cross-border displacement is also necessary to reflect on internal displacement, as well as the challenges of mobility, particularly in the context of climate change.

It was growing recognition of the line between displacement and migration. The Initiative has been taking account of the regional dynamics of displacement, revealing that rapid-onset cross-border displacement has highliged cross-border displacement as a result of the Haitian earthquake, for example – as well as improving understanding of the complex causality relating to slow-onset movements, particularly in the context of climate change.

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As a direct and immediate consequence of the 2010 Brazil Declaration's recognition of the impact of climate change on cross-border displacement, as a direct result of the Nansen Initiative secretariat's work, a broader focus has been created about how to frame the issue in moving forward from the Nansen Initiative.

The advantage of the narrower focus on cross-border displacement is that it keeps the problem specific and clear. Many stakeholders have argued that, from a protection standpoint, the greatest need is for an open and frank discussion relating to the right to non-refoulement in the context of changing drivers of displacement.

Indeed, many have suggested that, given the complex multi-causality associated with slow-onset environmental displacement, the real institutional gap is for new tools relating, for example, to temporary protection and humanitarian visas. The disadvantage of a narrow framing around cross-border displacement is that the numbers of people with cross borders may be relatively low. Furthermore, in practice, regional consultations reveal that many migrant-receiving states have been more interested in discussing prevention, disaster risk reduction and resilient protection related to cross-border displacement.

The disadvantage of a narrow framing around cross-border displacement is that the numbers of people with cross borders may be relatively low. Furthermore, in practice, regional consultations reveal that many migrant-receiving states have been more interested in discussing prevention, disaster risk reduction and resilient protection related to cross-border displacement.

While the initial narrow framing served political and analytical needs at the start of the initiative, there seems to have been a growing recognition of the need to situate cross-border displacement within a broader institutional context. The Initiative has been highliging the issue of cross-border displacement in policy fields and institutional arenas including development, climate change, humanitarianism, migration and refugees, at local, national, regional and global levels. While the existing digests partly outline normative principles, the next steps are to propose best situated within the broader framework of human mobility in the context of natural disasters and climate change.

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Can existing organisations address the issue?

As the work has evolved, it has become clear that the international community should build on the groundwork of the Nansen Initiative. As the work has evolved, it has become clear that the international community should build on the groundwork of the Nansen Initiative.

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Tacloban airport, post Typhoon Haiyan, November 2013.

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for a series of short mechanisms such as the
N Development Assistant & Framework h

of National Disaster Education (NIDE) plays a crucial role in facilitating the development of a post-2015 framework

reduction. The draft text
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t e Nansen Initiative to raise t e issue o
environmental displacement in t e context
leading t e charge. We FCCC's ar saw c

Additional Mechanism or Loss and
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d to strengthen research in this area

leaves open the question of whether it may not be ready yet to be fully absorbed into the system. Despite the capabilities

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NHCh relations have improved considerably in recent years, and the organisations worked effectively together in contexts such as the Libya Humanitarian Evaluation programme in 2011. Option 2 would be a broader inter-organisational mechanism on human mobility and natural disasters, with a rotating chair and

The advantages of the planism are that it would ensure that the table and ensure that at least one person is sitting down, in addition ND , CC, the N Environment CHA, or example,

age with the issue. Option 3
support unit with an inter-
agency that will be directly

Leadership is indeed a process, not a position. It is a process that involves influencing others to achieve a common goal. Leadership is not a one-time event, but a continuous process that evolves over time. Leadership is a process that involves influencing others to achieve a common goal. Leadership is not a one-time event, but a continuous process that evolves over time. Leadership is a process that involves influencing others to achieve a common goal. Leadership is not a one-time event, but a continuous process that evolves over time.

América, or with a joint
secretariat, worked regionally
to coordinate finding

Central American
mat b t e Cold ar.

There is a general recognition that the issue still requires a 'champion' to advocate and raise awareness among international and

is likely to be important because of the sheer number of actors, forums and issues

are also in w i mobility in the context o
climate change would need to be addressed.

One of the lessons that emerges from the relatively successful process to build a

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regime to support the human rights of internally displaced persons (IDPs), or in Afghanistan, is that at individual level. It is difficult to support the Brooking Institute and a small group of supportive states, however, Coenen and Francis Deng were instrumental in mobilising knowledge and advocacy around the issue. However, their championing of the issue contributed significantly to the creation of the special representative of the Secretary-General (now special rapporteur) on the Human Rights of Internally Displaced Persons, and to the creation of an institutional framework for the protection of IDPs. For example, the new mandate of the special representative role. It is possible that the human rights special rapporteur on the Human Rights of Internally Displaced Persons (Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Disasters and Climate Change). However, the special rapporteur usually have limited capacity unless they have a strong support base. The special rapporteur on the Human Rights of Internally Displaced Persons (Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Disasters and Climate Change). However, the special rapporteur usually have limited capacity unless they have a strong support base.

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responsibility might be to create a representative (or special advisor) on the Human Rights of Internally Displaced Persons (Special Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Disasters and Climate Change). However, the special rapporteur usually have limited capacity unless they have a strong support base.

Final thoughts

The Nansen Initiative has played the issue of environmental displacement on the global agenda and advanced understanding of the issue through its regional consultations and the studies it has commissioned. It will produce a 'Protection Agenda' to offer guidance on how states incorporate a better response to emerging challenges. However, significant challenges remain. There is a complex interplay between the knowledge gaps that straddle so many different levels of governance. At the national level, the challenge is not to come up with answers; it is instead to continue to address the underlying and framing of the issue while ensuring that people in need of international protection – irrespective of the cause – do not fall through the cracks between existing institutional mandates.

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This paper is partly based on a study commissioned by the Governments of Norway and Switzerland, to whom the author is grateful. However, the content and views expressed in this article are those of the author alone.

1. See Maldonado Castillo *art. 1* pp89-91.
2. Draft online at www2.nanseninitiative.org/global-consultations/
3. See *our art. 1* pp40-1.
4. See La Yung *art. 1* pp15-17.
5. www.wdr.org/uploads/default/Framework_for_Disaster_risk_reduction_2015-2030.pdf
6. Accessed <http://unhcr.org/refugees/2014/sb/eng/04.pdf>
<http://www.unhcr.org/EN/HBodies/>

FORCED MIGRATION

review

DISASTERS AND DISPLACEMENT IN A CHANGING CLIMATE

This issue of Forced Migration Review was made possible through a project funded by the European Union and administered by UNHCR on 'Climate change and displacement: building an evidence base and equipping States with tools and guidance for action'.

Disasters, Climate Change and Displacement: Evidence for Action is a multi-partner project funded by the European Union whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters and climate change. The project brings together the expertise of three distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) and seeks to:

- 1) **increase the understanding** of States and relevant international community actors about displacement related to disasters and climate change;
- 2) **equip them to plan for and manage** internal relocations of populations in a protection-sensitive and rights-respecting manner; and
- 3) **provide States and other relevant actors with tools and guidance** to protect persons who cross international borders owing to disasters, including those linked to climate change.

In particular, the activities carried out within the project seek to contribute to the Nansen Initiative. The Nansen Initiative, led by the Governments of Norway and Switzerland, is a bottom-up consultative process intended to build consensus on the development of a Protection Agenda addressing the needs of people displaced across borders in the context of disasters and the effects of climate change.

Among other activities:

- › **The Nansen Initiative** organised five intergovernmental regional consultations in the Pacific, Central America, the

Greater Horn of Africa, Southeast Asia and South Asia, which contributed to a global consultation in Geneva, Switzerland on the Protection Agenda. The Nansen Initiative also drafted background papers and commissioned research to address knowledge gaps related to disasters, climate change and human mobility within each region. More information is available at www.nanseninitiative.org

- › **UNHCR** supported the Nansen Initiative programme of activities and developed preliminary guidance on planned relocation in the context of disasters and climate change, in partnership with the Brookings Institution and Georgetown University School of Foreign Services Institute for the Study of International Migration. UNHCR also serves as the Secretariat of the Advisory Group on Climate Change and Human Mobility that provides information and inputs for the UNFCCC process. More information is available at www.unhcr.org/pages/49e4a5096.html
- › **NRC/IDMC** supported the Nansen Initiative by producing quantitative estimates and projections of past and future displacement related to disasters and climate change, revealing how large displacement has been and the scale of the risk it poses in the future. In addition, NRC and IDMC have provided in-depth thematic analyses that have highlighted protection risks as well as opportunities for effective action to prevent displacement, protect the displaced and achieve durable solutions for them. More information is available at www.nrc.no/?aid=9137078 and at www.internal-displacement.org/publications?Theme=Disasters

DISASTERS
CLIMATE CHANGE AND
DISPLACEMENT

EVIDENCE
FOR ACTION



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Mini-feature on FGM and asylum in Europe

Editors' Introduction

The issue of female genital mutilation (FGM) has become a rallying point for advocacy and legal challenge both within some of the societies where it is practised and elsewhere, particularly in countries where members of those societies have come to live but where the practice is seen as an abuse of girls and women and of their rights.

This FMR mini-feature addresses some of the issues relating to the practice of FGM in respect of asylum. Of necessity – but also by choice – we have included some material on the practice of FGM itself. The focus is on asylum in Europe in particular, and this

mini-feature has been produced in collaboration with UNHCR's Bureau for Europe. However, it is obvious – and right – that the implications are applicable beyond the borders of Europe.

The mini-feature is also available (in English) as a stand-alone pdf at www.fmreview.org/climatechange-disasters/FGM.pdf; for French, Spanish and Arabic versions, please visit www.fmreview.org/climatechange-disasters and click on the appropriate language tab. We encourage you to use and disseminate it widely.

Female Genital Mutilation (FGM) comprises all procedures involving partial or total removal of the external female genitalia, or other injury to the female genital organs, carried out for traditional, cultural or religious reasons. In other words, the procedure is for non-medical reasons.

All forms of FGM are considered harmful, although the consequences tend to be more severe the more extensive the procedure. Other factors, such as age and social situation, may also have an impact on the gravity of the consequences. FGM is mostly carried out on girls under the age of 15 years, although it is occasionally also performed on adult and married women. The procedure is often performed with

rudimentary tools and without anaesthesia while the girl or woman is held down. Almost all those who are subjected to FGM experience extreme pain and bleeding. Other health complications include shock, psychological trauma, infections, urine retention, damage to the urethra and anus, and even death. The 'medicalisation' of FGM, whereby the procedure is performed by trained health professionals rather than traditional practitioners, does not necessarily make it less severe.

Taken from UNHCR (May 2009) *Guidance Note on Refugee Claims relating to Female Genital Mutilation*
www.refworld.org/docid/4a0c28492.html

Female genital mutilation: a case for asylum in Europe

Fadela Novak-Irons

With some 71% of female EU asylum applicants from FGM-practising countries estimated to be survivors of this harmful traditional practice, it is time to accept that this subject demands greater scrutiny and a more dedicated response.

h NHC as estimated t at 18,500 o t le Et iopia, most o w i ave persistently
 25,855 women and girls rom FGM-ph dic in in 2014. These figures are still all too ommon
 countries see ing asylum in the E
 first t ref quarters in 2014 may ave
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 translating into an estimated 71% prevalence
 FGM in Europe. The main
 and girls to mis on options
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to meeting the specific protection needs and vulnerabilities of these women and girls. Many workers in the European asylum systems are not familiar with the practice and it is not uncommon to hear or read opinions that FGM is not a problem for these women because this part of their culture; that educated parents should be able to protect their daughters from it; that 'in the teenage girls and young women are too old to be at risk of it in reaching medicalised practice of FGM is a minor procedure with no ill-effects'; or that women should simply be used to be 'other' 'utters' and carry out their practice in their mother's.

systems in the EU receive a few thousand applications every year relating directly to FGM, pointing again to the fact that it is not a negligible ground for asylum. In addition, these asylum claims are particularly complex and involve a variety of risk profiles.

"I fled my country because of the persecution I had been subjected to because of my activism against excision³ and my political engagement to promote the rights of women." (Halimatou Barry⁴)

In addition to the women and men activists persecuted for their opinions and commitment to end FGM in their countries of origin and/or their perceived threat to religious beliefs, European Member States have also been receiving claims from:

- women and (unaccompanied and separated) girls who see protection from being subjected to FGM as a way to escape direct or indirect FGM-practising countries or have lived most of their lives in Europe and may be at risk of being cut upon return
- women and girls who have already been subjected to FGM and see protection from re-excision, defibulation or reinfibulation⁵ upon marriage (including child marriage⁶) as a way to avoid further harm

■ parents who claim international protection to protect their daughters from FGM

■ women who are under pressure from their family and community but are used to be 'other' 'utters' in countries of origin

■ women who have already been subjected to FGM, have escaped reconstructive surgery (often in Europe) and were being cut again upon return

■ members of communities flee, they bring with them their customs and traditions, which may include harmful traditional practices such as FGM. Beyond the asylum system, we need to learn how to work with the FGM-practising communities in exile in Europe to prevent the practice of

Complex asylum claims

For the first time in the first quarter of 2014, the main countries of asylum for women and girls from FGM-practising countries were Germany, Sweden, France, Switzerland, UK, the Netherlands, Italy, Belgium, Norway and – a new entrant into the list – Denmark.

There is a lack of data on the grounds on which applications are made and decided limits our ability to better understand the extent of this phenomenon. Gathering better statistical data on FGM in European asylum systems should be a priority; data should include the number of FGM survivors assisted in the European asylum system as well as the number of asylum claims involving FGM and its issues. It is estimated that however, that asylum

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FGM in Europe. Lessons can be learned from the progress achieved in countries of origin, in particular towards ending FGM and involving communities, the participation of the communities, and the empowerment of women and girls but also of men, young and old, to urge their respective communities to abandon the practice.

"It is horrible; it is painful, mentally, emotionally and physically; and I wished it had not happened to me. Whatever happened to me can never be turned back; it cannot disappear. The pain will remain forever." (Ira A. Medev)

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and Jessica Davila, interns at the UNHCR Bureau for Europe, for their assistance in the compilation of the data for 2014. The views expressed in this article are not necessarily those of UNHCR.

1. UNHCR (2014) *Too Much Pain: Female Genital Mutilation & Asylum in the European Union - A Statistical Update* www.refworld.org/pdfid/5386e6db4.pdf See also www.unhcr.org/pages/45315de56.html
2. *Exposé des motifs* pp82-3.
3. *Exposition: a forme de FGM* (in French, used to denote FGM in general).
4. In UNHCR (2014) *Too Much Pain – the Voices of Refugee Women* removal of the external female genitalia (vulva). Defibulation: reconstructive surgery.
5. *Exposé des motifs* pp82-3.
6. *Exposé des motifs* pp82-3.
7. Anti-FGM activist, in UNHCR (2014) *Too Much Pain – the Voices of Refugee Women*

FGM terminology

Initially the procedure was generally referred to as 'female circumcision' but the expression 'female genital mutilation' (FGM) gained support from the late 1970s in order to establish a clear distinction from male circumcision and to emphasise the gravity and harm of the procedure.

From the late 1990s, the terms 'female genital cutting' (FGC) and 'female genital mutilation/cutting' (FGM/C) have also been used, partly due to dissatisfaction with the negative connotations of

'mutilation' for survivors and partly because there is some evidence that the use of the term 'mutilation' may alienate communities that practise FGM and thereby perhaps hinder the process of social change.

Abstracted from World Health Organization (2008) *Eliminating Female genital mutilation: An interagency statement*, p22. www.who.int/reproductivehealth/publications/fgm/9789241596442/en/

FGM: challenges for asylum applicants and officials

Christine Flamand

Asylum authorities in the European Union need to establish better procedures to help address the specific vulnerabilities and protection needs of women and girls who have undergone or are at risk of female genital mutilation.

The asylum process examines whether an applicant as a well-founded fear of persecution based on one or more of the grounds in the 1951 Convention relating to the status of refugees or as an at risk of being subjected to serious harm. There are a number of grounds on which female genital mutilation (FGM) can support a claim for asylum. It is a form of gender-

based violence and a child-specific form of persecution. It also violates the principle of non-discrimination (as it only affects women and girls) and the right to the girl's child to be protected against practices that are harmful or harmful to her health, FGM as a short- and long-term health consequences and is therefore considered as a continuous form of persecution and also as a form of torture.¹

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In assessing credibility, the decision maker must look into the individual and contextual circumstances of the asylum seeker. An asylum officer may conclude that a woman's claimant's could be able to protect her child from FGM in the event of return but this is not always the case. The girl belongs to the community and that her mother is not necessarily in a position to protect her child from such harmful traditional practices.

f Country of origin Information

The individual's situation of the asylum seeker needs to be assessed against objective information about the country of origin. The prevalence rate of FGM in the asylum seeker's country is a very important indicator. Country of origin Information (COI) also includes information on the state's protection of women who claim that their daughter will be subjected to FGM. In the country, the implementation of the law in practice needs to be assessed. Is it possible to file a complaint or a survivor of FGM? Will the police react diligently in a woman's case or protection for her daughter?

COI should be gathered from different sources (both governmental and non-governmental), be child-specific and include a gender dimension; the European Asylum Support Office is committed to improving these aspects and is also developing a training module on gender and interviewing techniques for vulnerable groups.

However, information of a state is not enough in COI, it is about its challenge to the credibility. This is regarding the issue of a later date; as it is subject to an initial assessment of the practice is absent of supporting evidence, this is not a reality.

Some asylum seekers may consider whether they can apply for asylum in their own country, where FGM is less widespread. In the case of

to determine whether an alternative is both relevant, accessible and reasonable.⁷

c Child-specific persecution and family unity

As previously mentioned, FGM is a child-specific form of persecution. In an unaccompanied child applies for asylum on this ground, the asylum authorities need to ensure that the procedure, the interviewing techniques and the credibility assessment are appropriate for a child.

In some countries (such as France), when a family applies for international protection due to fear of FGM being performed on a child, protection is only granted to the girl. In these cases, asylum authorities consider that the parents do not have legitimate reasons for claiming asylum for themselves, because their opposition to the practice will not lead to persecution or serious harm or threat. However, family unity and the best interests of the child are fundamental principles in international and regional human rights and refugee law, and should be prioritised in asylum claims related to FGM where the overriding objective is to protect women and girls from persecution or serious harm.

Christine Flamand christine.flamand@intact-association.org is Legal Advisor and Director of INTACT.⁸ www.intact-association.org

1. Markred Nowa (15 January 2008) *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* www.reworld.org/pdfid/4725452.pdf

2. Consideration no. 30 <http://tinyurl.com/E-uualificationDiretive>

3. A complementary form of protection against torture and inhuman and degrading treatment that is not linked to the five persecution grounds of the 1951 Refugee Convention.

4. A 2012 report of a comparative analysis of gender-related asylum claims in nine EU Member states includes a range of examples of good (and bad) practice. <http://tinyurl.com/E-Gender-asylum-claims-2012>

5. See, for example, the e-Learning course 'nited to END FGM/C': www.uegm.org/

6. <http://protection-eu.org/resources/>

7. See NHC (May 2009) *Guidance Note on Refugee Claims relating to Female Genital Mutilation*, see Tion. www.reworld.org/docid/44a028492.html

8. INAC is a legal expertise centre in Belgium, working on the issues of FGM, forced marriage and honour-related crime.

The medicalisation of female genital mutilation

Pierre Foldes and Frédérique Martz

The 'medicalisation' of female genital mutilation should be denounced on two counts. Firstly, it is usually anatomically more damaging and, secondly, it goes against the ethical basis of the medical profession.

The 'medicalisation' of female genital mutilation (FGM/C) refers to the practice of being performed by doctors or other members of the medical profession. The phenomenon is well known. The medical and nursing professions have traditionally performed FGM/C in numerous countries, particularly in Egypt, Sudan and Somalia. It is a more widespread phenomenon in West Africa than in the Middle East.

Members of the medical and nursing professions have also been identified in Mali and Burkina Faso. In Mali, a study involving 100 health workers identified 100 health workers who performed FGM/C. In Burkina Faso, a study involving 100 health workers identified 100 health workers who performed FGM/C. In both countries, the health workers who performed FGM/C were often women, and they were often paid for their services. The health workers who performed FGM/C were often women, and they were often paid for their services. The health workers who performed FGM/C were often women, and they were often paid for their services.

Factors for FGM/C are the same, or, sometimes at a high price, on the basis of 'better quality' or 'safety reasons'. Even in Europe, a few practitioners have offered 'safer' forms of FGM/C and even 'minimal' cutting to comply with traditional practices.

This practice is of growing relevance in asylum procedures where medicalisation tends to be viewed by non-medical experts (such as asylum officials) as a minor procedure and therefore not to be considered as persecution (unless 'more severe', traditionally performed FGM/C). However, our experience over 25 years of treating and managing female genital mutilation and carrying out surgical repairs has given us a detailed understanding of the reality and impact of 'medicalisation', and we have no hesitation in denouncing these practices.

so-called medicalised practices with cutting carried out by traditional practitioners.¹ The immediate and inevitable conclusion is that in the vast majority of cases, medicalisation is clearly an aggravating factor in mutilation.

Medical cutting consists of cutting off a larger or smaller portion of the clitoral glans by a more or less clean cut that extends more or less towards the apex of the clitoral sac. Traditional cutters are very well aware of how they can go, particularly in terms of bleeding, and they understand that the death of young girls will neither serve their reputation nor help with recruiting new clients. As a result, the main nerve trunks are – paradoxically – avoided and thereby protected, as injuring them would also involve opening up blood vessels, resulting in an immediate haemorrhage. The same applies to the clitoral hood and vulvar tissue, which are not cut on a terrified young girl.

Medicalisation is also a form of anaesthesia – whether general or general – makes it possible, indeed, a body that is open to the world, a doctor, surgeon or even a professional now owes to prevent a young girl and is therefore more or less unconstrained in the presence of major blood vessels – and can cut much more extensively, as we have observed. Moreover, the fact of being a surgeon or gynaecologist increases their ability to do more, without risk, because of their greater knowledge of this part of the body. Medicalised cases performed by specialists have often been the ones that were most difficult to repair.

1 Anatomically more damaging

We have carried out reconstructive surgery on women who have been subjected to FGM/C and been able to compare the consequences of

2 A breach of ethics

Medicine must not be used for harmful practices; furthermore, carrying out a treatment without a person's consent or against their

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is a crime. The medicalisation of it is an absolute breach of ethics at the international level. Historically, any other attitude could be considered as appalling. The surgical practice, such as the one conducted during the Holocaust in Poland, is an inhumane and prolonged torture session. The same applies to medical support or the practice of FGM/C.

For the last 25 years, medicine has helped us understand the reality of FGM/C and its consequences. This new understanding has revealed the needs of women. A doctor

has worked with women who have been mutilated but has not committed a crime against them, against their spirit and their body, against their medicine, and against society.

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1. I have data from over 250 cases of medically FGM/C (some carried out in France). In addition, interviews with traditional healers have enabled us to gain a deeper understanding of the practice, while surgery on 4,600 cases (of all forms of FGM/C) has allowed us to understand the psychopathology of mutilation.

The Istanbul Convention: new treaty, new tool

Elise Petitpas and Johanna Nelles

The new Istanbul Convention provides a powerful tool for more effectively guaranteeing the protection of asylum seekers at risk of gender-based persecution and at risk of FGM in particular.

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention, is the first European treaty specifically devoted to addressing violence against women, including female genital mutilation. FGM is a threat to women and girls around the globe, including in Europe, but has remained unacknowledged for too long.

When it entered into force in 2014, the Istanbul Convention legally obliges states parties to accelerate preventive measures to protect and support FGM-affected women and girls, risk assessment, and to ensure effective and child-sensitive investigations and prosecution. These provisions, along with the improvement of the asylum determination

In Europe, when a child falls and breaks her arm in the playground, everyone comes to help. I want to see the same reaction when we speak of a little girl at risk of FGM.” (FGM survivor Aissathu Diallo who fled Guinea to protect her two daughters from the practice and is now an anti-FGM activist in Belgium)

International protection under the Istanbul Convention

Building on existing international human rights law obligations, the Istanbul Convention clearly acknowledges that women and girls should not suffer from gender-based violence and see protection in another state when their own fails to prevent persecution or to offer adequate protection and effective remedies. The Istanbul Convention calls for more gender sensitivity in refugee determination procedures and obliges states to take the totality of necessary legislative and other measures to ensure that gender-based violence against women is recognised as a valid ground for claiming asylum.

extent to which European states currently recognise refugee status for women and

What I remember from the person who received me is that she believes me. It is true that some people from their countries for economic reasons. You tell me, “I don't know what to do.”

girls at risk of gender-based persecution varies significantly. Possible reasons for such variations include the lack of explicit laws and guidance nationally, and inadequate c provision of legal support and other services. In addition, some states regard gender-based violence as a 'private' matter, leading to a reluctance to intervene in the private sphere. Gender-based violence may be more difficult to prove, creating credibility issues for asylum seekers with gender-related claims.

The Convention provides a set of obligations for states parties to better guarantee the protection of asylum seekers at risk of gender-based persecution and at risk of FGM in particular. States parties are required to

Ensure a gender-sensitive interpretation of each of the 1951 Refugee Convention grounds (Article 40, paragraph 2):

As is often the case in gender-based persecution, there is a trend to consider FGM as falling within the grounds of membership of a particular social group and to overlook other grounds. However, parents who oppose FGM on their daughters may come under the grounds of political persecution. Similarly, where it is considered a religious practice, it is a woman or a girl does not have a well-founded fear of persecution on the basis of her religion, still as by refusing to undergo FGM or to have it performed on her children, she may have a well-founded fear of being persecuted for reasons of religion.

Develop gender-sensitive reception conditions and support services for asylum seekers (Article 40, paragraph 3):

The response to the gender-specific needs of women affected by persecution requires measures to address legal and medical issues that may prevent women from accessing vital health or other services. This includes freedom of movement in destination countries for women from a harassing husband or partner, specialist support or counselling services. Barriers may include language, a lack of competent or non-judgmental interpreters, and different ways of understanding and viewing health issues. Some women in asylum seekers may not be aware that they have undergone

FGM, particularly if it was performed at an early age and if their reasons for fleeing their country of origin is unrelated to FGM. Women may come to health professionals with long-term complications resulting from FGM but may not know that these complications are linked with it. There is also a need for psychological consequences that may include fear of sexual violence, post-traumatic stress disorder, depression and memory loss.³

Gender-sensitive procedures

Asylum seekers (Article 40, paragraph 3) are required to put in place a range of determination processes that is respectful of cultural sensitivities, ensures that women and girls do not face further stigmatisation upon arrival in destination countries, and guarantees a supportive environment allowing women to disclose relevant information. In particular, gender-sensitive procedures should include:

- the provision of information on gender-specific aspects of the asylum procedure
- the opportunity to have a personal interview separately from their husband/partner and without the presence of family members (especially children)
- the opportunity for women to mention independent needs or protection and gender-specific grounds leading to a separate application or international protection
- gender-sensitive and child-sensitive interviews led by a trained interviewer, and assisted by a trained interpreter when necessary
- the possibility for the applicant to express a preference for the sex of their interviewer and interpreter
- the development of gender guidelines on the adjudication of asylum claims, and training to ensure their implementation.



Photo by Lorenzo Colantoni, property of End FGM European Network

Respect the principle of *non-refoulement*

Article 61): the Convention creates the obligation to protect female victims of violence, regardless of their residence status. That is, states should guarantee that women in need of protection are not returned to any country where they would be at risk of being subjected to torture or inhuman or degrading treatment or punishment. This obligation could extend to abuses by individuals who perpetrate FGM when the authorities in the country concerned are complicit, fail to exercise due diligence or are negligent in preventing or redressing the abuse.

Conclusion

The Istanbul Convention gives hope for real change in how women and girls are protected from gender-based violence. Official monitoring and evaluation of these new obligations by governments ratifying the treaty will help lead moral legislation to be done to prevent and combat FGM, and will thus be an important element in ensuring that states live up to their responsibility to guarantee the physical, psychological and sexual integrity of all women.

The Istanbul Convention has put parties with a unique role in the silence surrounding FGM. It is hoped that under the Convention, civil society and national governments will be allowed to monitor and enforce the Convention, taking

parties will support women like Aissatou in realising their dream of being part of the last generation to have undergone female genital mutilation.

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The opinions expressed in this article are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

1. Asylum Aid (UK) et al (2012) *Gender related asylum claims in Europe: A comparative analysis of law, policies and practice focusing on women in nine EU Member States*, p41. <http://tinyurl.com/E-Gender-asylum-claims2012>
2. For detailed guidance on what the obligations of the Istanbul Convention in relation to FGM mean in practice and how they can be put into practice, see Council of Europe and Amnesty International (2014) *The Council of Europe Convention on preventing and combating violence against women. A tool to end female genital mutilation*, Strasbourg. See box below re 'promising practice'.
3. Iris Family Planning Association (2011) *Sexual health and asylum. Handbook for people working with women seeking asylum in Ireland*. <http://tinyurl.com/IFAP-2011-Asylum-handbook>
4. The End FGM European Network (END FGM) is a European umbrella organisation set up by eleven national non-governmental organisations to ensure sustainable, coordinated and comprehensive action by European decision-makers to end FGM and other forms of violence against women and girls. Its vision is a world where women and girls are empowered and free from all forms of gender-based violence, in particular female genital mutilation, where their voices are heard, and where they can enjoy their rights and freedoms without being threatened to their lives. The principles of the Convention are equality, non-discrimination, and the rights of women and girls.

Promising practice

The Netherlands: In 2011, the Dutch government developed an official document – *Statement opposing female circumcision* – to help parents withstand pressure when visiting their families in their country of origin. This document outlines the health consequences of FGM and explains relevant Dutch legislation. Parents are given a copy by children's health-care centres and school doctors. www.pharos.nl/documents/doc/pp5056-verklaring-uk-2011_definitief.pdf

Germany: In 2013, the German government set up a national, free telephone helpline 08000 116 016 offering victims of all forms of violence against women – including FGM – advice on demand; around 60 trained counsellors provide confidential

support in 15 languages 24 hours a day, 365 days a year. www.hilfetelefon.de/en/faq-us.html

United Kingdom: In 2008, London's Metropolitan Police issued standard operating procedures on FGM which provide police with an overview of FGM and describe the procedures to be adopted when a girl is at risk of FGM or a girl or an adult woman has already been subjected to the practice. The objective is to ensure that those at risk are protected and supported, and to achieve best evidence for prosecution and protection orders. www.londonscb.gov.uk/fgm/

For more examples, see <http://tinyurl.com/CoE-AI-2014-Istanbul-Conv-tool>

May 2015

Changing attitudes in Finland towards FGM

Saïdo Mohamed and Solomie Teshome

Former refugee women are now working as professional educators among immigrant and refugee communities in Finland to tackle ignorance of the impact and extent of female genital mutilation/cutting.

[illegible]

Now, the GM/C is globally recognised as a practice that violates human rights and, therefore, offers no violence-free solution to the dignity, equality and integrity of girls and women. In addition, it has many unintended consequences, such as the potential for harm to many women who are involved earlier in their lives than they would otherwise have been. This is evidenced by National Aids Commission's 2016-2017 Circumcision Survey Report (2012-2016); we were involved in the development of contents of the Education Initiative for we monitor its implementation and to ensure that it meets our responsibilities.

Two of our advisors were themselves former refugees – from Somalia and Ethiopia – and are now professional educators.

aido

My name is Aida Mamed. I came to Finland as an asylum seeker from Somalia in 1992. In 2001 while working as a nurse, I attended a training for trainers course for immigrant women and men on sexual health.

...more precisely, the relationship between the two phenomena, and its relation to the original hypothesis. Despite the fact that the two phenomena are not independent, the relationship between them is not a simple one.

gave me new tools and approach to the issue and I began volunteering in my own community, spreading information about FGM/C.

In the early 2000s, talking about FGM/C was still very difficult in the Finnish Somali community but there has been a tremendous change in attitudes since then. Today men and women are free to discuss FGM/C openly and without stigma. Some are even speaking out against it. They are not going to rough the way they used to be. They are willing to marry someone who is not circumcised in one or both places. FGM/C violates not only the rights of women but also the rights of men as well.

ose girls have t have t themselves
 undergone FGM. They themselves in a
 completely new situation. When t ey move to
 Finland or elsew ere in Europe, w ere it is not
 practised. It ad been culturally normal
 in t eir country o origin suddenly be ome
 abnormal; in hunters wit pro essionals
 such as Finnis ealk - are wor ers may
 not only ause stress and ear but also
 humiliation. Many ut women try to avoid
 gynae ologi al examinations. ne woman
 w o ad experie ed t e most severe orm
 o FGM^{C2} told t e following story w en
 as ed about gynae ologi al examinations:

"It was the worst experience I've ever had. The doctor asked, horrified, what the hell has happened to you? That was my first and last visit to a gynaecologist!"

olomie

is holomiec es ome. I ame to
s are ugee in 1995f I aware o t e
e o FGM/Cán my own ountry,
I was s o ed and saddened w en
e but I adn't

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known how many girls and women were dying because of it. During my next visit home, I decided to investigate and discovered that not only that it had always been considered an abnormal practice and was part of Ethiopian culture but also that the phenomenon was widespread. I realised – my neighbours, relatives and friends were also victims of it. I changed my mind and since then I have been working against FGM/C.

While working at the sole woman's health project I have come to realise that:

■ People who have suffered the procedure or have themselves performed the procedure are victims of a harmful tradition and their awareness of the topic may be minimal.

■ FGM/C is a traumatic personal experience which needs handling with utmost care and confidentiality.

■ Establishing personal trust with individuals and groups is the first step to effective work on the practice.

■ Each case needs to be approached individually, bearing in mind that, for example, people's cultural and religious backgrounds.

■ The role of 'key persons' is essential – individuals who participate in our efforts to change attitudes and to end the negative impacts of FGM/C in their communities and family networks.

In groups one can see and measure changes in attitudes towards FGM/C. After a series of individual discussions to build trust, we organise separate groups for women and men. When we feel that the participants are ready, we bring women and men of the same origin together; we also organise groups with people from different ethnic, cultural and religious backgrounds. The aim is to change attitudes through

the focus of our recently arrived Ethiopian

wife and daughters were still in Ethiopia. When he learned that the procedure was still routinely practised in urban settings in Ethiopia, he talked to his wife who told him that her mother was planning to perform FGM/C on their daughter. He had knowledge of the procedure but was not convinced of its idealism. Putting the family lives in Ethiopia as not been cut.

Conclusion

As professionals with long experience in working against FGM/C and asylum women with first-hand experience of forced migration, we strongly believe that systematic training on the disadvantages of FGM/C as well as on related rights should be offered to all refugees waiting to be relocated. Some people who have come to Finland as refugees told us that they deliberately hid their daughters in their refugee camps because they were aware that the practice would not be accepted in their new country. In addition, there should be more training. Furthermore, training should also be provided in the receiving country, soon after arrival in the new owners' own languages.

In various situations, there should be discussion for refugees, and programmes to change attitudes at the grassroots, as well as one-to-one counselling. By receiving information and having the opportunity to share their experiences in a peer group, people become empowered, even in difficult circumstances. And when empowered, they will continue to make change in their own communities.

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1. The sole woman project was chosen as an example of good participatory practice by NHC. See NHC (2014) *Speaking for Ourselves. Hearing Refugee Voices – a Journey towards Empowerment* www.refworld.org/docid/537a-d9e4.html

2. Type III, also known as infibulation or pharaonic FGM/C.

May 2015

The Cartagena process: 30 years of innovation and solidarity

Carlos Maldonado Castillo

The 30th anniversary of the 1984 Cartagena Declaration offers the opportunity to consider the achievements of the Cartagena process and the characteristics that make it so remarkable.

Years ago, while writing about the Cartagena process, I reflected on the journey by Latin America and the Caribbean in the field of refugee protection since the 1984 Cartagena Declaration.¹ I was looking for the common elements to all Cartagena commemorative processes that addressed important regional declarations² as well as the most unique elements of each. This reflection is even more timely today as the Commission on its 30th anniversary, which was culminated in the adoption of the Brazil Declaration and its Action Plan³ by 28 countries and 3 territories of Latin America and the Caribbean. Finally,

its Law, International Refugee Law and International Humanitarian Law. Most remarkably, these definitions of international protection as a challenge within an ever more restrictive global environment.

Furthermore, all the regional Declarations put an emphasis on sustainable or durable solutions; they endorse pragmatic and flexible approaches while stressing that sustainable solutions are best achieved in a framework of peace and respect for human rights. As a result, the Declarations explicitly or implicitly underline that refugees and displaced persons are essential parties to the construction of peace.

Also, all the Declarations recognise the importance of the collaboration of the international community, highlighting the principles of regional solidarity, cooperation and responsibility. This within the framework, which emphasises the region's primary responsibility, that international cooperation is sought and welcomed.

The 1984 Cartagena Declaration on Refugees⁴

is a landmark regional refugee instrument, which for Latin America broadened the refugee definition and proposed new approaches to the humanitarian needs of refugees and displaced in a spirit of solidarity and cooperation.

Article III (3): ...the definition or concept of a refugee to be recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes among refugees persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

On the occasion of the Cartagena Declaration's 30th anniversary, governments of Latin America and the Caribbean met in Brasilia on 2-3 December 2014. At the end of the meeting, 28 countries and three territories of Latin America and the Caribbean adopted the **Brazil Declaration** ('A Framework for Cooperation and Regional Solidarity to Strengthen the International Protection of Refugees, Displaced and Stateless Persons in Latin America and the Caribbean') and a **Plan of Action** ('A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity').

1984 Cartagena Declaration on Refugees, 22 November 1984: www.unhcr.org/45dc19084.html

It is interesting to note two more common elements. The first is that open, inclusive and comprehensive nature of the dialogues held among governments, civil society (including academia) and relevant international and regional organisations.

These are also a sign of the region's ability to generate both innovative ideas and effective proposals that have not only served well in situations of refugees and displaced persons in Latin America and the Caribbean but have also been the subject of study and use in other regions of the world.

For example, the Central American International Conference on Refugees and Displaced Persons (Internacional Conferencia sobre Refugiados y Desplazados en Centroamérica) was started in 1989 as a result of the Cartagena process, opening the way to ground-breaking initiatives, including the FEEM dialogues that made it possible for the voices of women to be included in the search for durable solutions.⁶ It also laid the ground for women to be recognised as having their own rights in personal documentation, to land owners' rights, and to be empowered to organise their own voluntary repatriation movements.

Distinctive elements of the Cartagena process

The Cartagena Declaration of 1984 is particularly well known for its expanded refugee definition [see box on previous page], which was a crucial instrument for the protection of refugees from Central America in the 1980s and has continued to be so for thousands of refugees from the region and from other continents.

The 1994 Declaration of San José (Cartagena +10) is perhaps the least known and cited of the regional Declarations. However, it was visionary in bringing forward a series of principles on internal displacement, which years before the Guiding Principles on Internal Displacement were formulated.

The 2004 Mexico Declaration (Cartagena +20) is unique for three reasons in particular. Firstly, the Declaration was accompanied by

an Action Plan. Secondly, the Action Plan included three innovative programmes for sustainable solutions, embracing even more strongly the principles of solidarity and joint responsibility through its Cities of Solidarity, Solidarity Resettlement and Borders of Solidarity; and, thirdly, the scope of consultations was broadened to include three sub-regional meetings, which provided even greater legitimacy to the process.

And now, the 2014 Declaration of Brazil follows the path marked out by the Declaration of Mexico, since it includes ambitious plans for the period 2015-24. One of its 11 programmes of action incorporates the Caribbean countries as all members of the process for the first time. The noteworthy elements of Cartagena +30 include the call to eradicate statelessness by 2024, a labour mobility programme (also called the 'our solution') and an agreement to better understand and respond to the humanitarian consequences, including displacement, of the violence perpetrated by international organised crime.

Cartagena +30 adds the broadest ever consultative process since 1984, with our sub-regional meetings and a Ministerial losing event in Brasília with the participation of virtually all governments of Latin America and the Caribbean, other observer governments, refugees, internally displaced and stateless persons, international and regional bodies, and more than 150 NGOs and academic representatives.

Cartagena encapsulates the humanity and will of the whole sub-continent to periodically analyse the humanitarian challenges ahead, the temporary obligation to refugees, internally displaced and stateless persons in the region, in order to equip itself with a common instrument of policy and guiding principles (through the Declaration) and with coordination, cooperation and response mechanisms (through the Action Plan) to meet the protection and humanitarian needs collaboratively identified. Unsurprisingly, does not exist in any other continent.

May 2015

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www.unhcr.org

1. www.refworld.org/docid/4a54b3dc.html

2. www.refworld.org/docid/4a54b3dc.html

De ember 1994: www.refworld.org/docid/4a54b3dc.html; Mexico Declaration on Refugees and Stateless Persons, 16 November 2004: www.refworld.org/docid/4a54b3dc.html

3. Brazil Declaration on Refugees and Stateless Persons, 11 November 2000: www.refworld.org/docid/4a54b3dc.html

4. Brazil Declaration on Refugees and Stateless Persons, 11 November 2000: www.refworld.org/docid/4a54b3dc.html

5. www.refworld.org/docid/4a54b3dc.html

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8. www.refworld.org/docid/4a54b3dc.html

Trafficking for human organs

Vladimir Makei

Trafficking of people for their organs is an emerging transnational crime that has failed to receive sufficient international attention.

The 23rd session of the United Nations Commission on Crime Prevention and Criminal Justice held in May 2014 adopted a Belarus-sponsored resolution titled 'Combating trafficking in persons and trafficking in organs for removal'.

The United Nations Commission on Crime Prevention and Criminal Justice (NDC) has already on the issue of trafficking in persons and trafficking in organs for removal.

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not exclusively) from developed countries to developing ones, where they undergo transplantation of organs purchased from local donors. However, in the field of organ trafficking, it is not about the movement of organs; rather, it is about the movement of people – from developing and emerging economies to affluent countries in the form of human trafficking or for the purpose of organ removal, and back from affluent to developing countries in the form of transplant tourism. For the first time, organ trafficking in a narrow sense, namely, the illicit movement of human organs themselves between countries.

It has been giving rise to this transnational challenge is the growth of the organ transplantation industry worldwide. However, the rise of trafficking in organs has emerged not because of the industry *per se* but because of an ever-growing gap between the demand for human organs and the legitimate supply. As with all clandestine activities, it is open to organ trafficking is not exactly new.

There was an attempt to learn more about it in 2004 when the UN General Assembly passed a resolution on 'Preventing, Combating and Punishing Trafficking in Human Organs'. However, a subsequent report by the UN Secretary-General acknowledged that Member States provide insufficient information and that the effectiveness of addressing organ trafficking in organs remains largely unexplored. Yet,

Generally, the international community is in favour of transplanting the prohibitionist approach to organ transplantation. In other words, states should prohibit the purchase and sale of organs. Instead, the industry operates on the basis of altruistic voluntary organ donation where, predicated on moral and ethical considerations, organ transplantation can be justified only when it is a voluntary act of organ donation, be it in most cases such as a transplant brings together people who are already close to each other.

the prohibitionist approach stems from the
 Guiding Principles on Human Cell, Issue, c
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 on-binding tool is t e
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o a universal legally binding instrument against trafficking in human organs. In 2014, at the 7th session of the States Parties to the Convention against Transnational Organized Crime, Vienna, and in New York at the 69th session of the UN General Assembly.

fe rationale or a possible new tool is, firstly,
 the need to address the main cause of organ
 trafficking, which is the economic shortage of
 human organs; this could be done by building
 on successful national organ procurement
 models such as presumed consent, which is
 essentially meant at every citizen of a
 country is an organ donor unless they
 expressly withdraw consent. The second is the
 lack of an internationally agreed definition
 of trafficking. Thirdly, a
 mechanism should take into
 account organ trafficking but also
 other words, it should
 be criminalising not only
 the means or the purpose but
 the use of human organs; while
 many are already criminalised
 for activities in their domestic
 jurisdiction, new laws criminalised
 purchase by the citizens of organs abroad.

A new instrument must serve to significantly enhance international cooperation on the issue, above all in such areas as extradition, confiscation of assets and proceeds, and mutual legal assistance. Lastly, a new document should contribute to education on the importance of organ donation, as well as about the threat posed by the crime of organ trafficking.

While human trafficking for the purpose of organ removal is covered by the legally binding prohibition of human trafficking, the risk and trafficking of organs for transplantation is a crime with the persons emphasising the need for the open organ trafficking, also its intricacies.

Vladimir Makei is the Minister of Foreign Affairs of Belarus. He can be contacted through iravelichko@gmail.com.

- ransplant tourism is could not be an used fwt travel or transplantation, as the latter is a legitimate activity.
- Emily K. H. (2012) *Organ Trafficking Crisis: The Matter of the Matter*, Boston College Law Review, 43(2), 2013, organ-trafficking

May 2015

Sweet tea and cigarettes: a taste of refugee life in Jordan

Rana B Khoury

Among refugees in Jordan, utter boredom – the result of restrictions on mobility, prohibitions on employment, and feelings of marginalisation – is an unmistakable source of anguish.

h f h Mu o t e media reporting on yrian
h r augees hig lig ts t eir umanitarian
struggles, or else t eir admirable resilien e.
But appra es are understandable and k
c realisti but w at is missing rom t ese
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is t e passage o days wit little to do but
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elevision, neig bours and babies p n tuate
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h return ome." en wh ante we t oug t c
we would stay ten days," one man told f h
h me. Another offers w at s et oug t was a
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years. In h h ds meet, many c

yrians living in t e ities re eive private
c assistan e. In Irbid I visited one apartment
h building fousing t e amilies o 'martyrs',
rebels illed in battle; a yrian donor residing
in audi Araba pays o t e amilies' first
h six months' rent. t e h tap into w atever
h savings t ey may ave, o t e profits rom
belongings sold be ore leaving yria, or
rom selling f e pie es o gold jewellery t at
on h adorned t eir ne s and wrists. ome
re eive money rom amily members living
artf er afield, o t e inft e Gul . A ter our
fyars, all o t e ese resour es are tapering off.

estri tion

Even i f ey ould, few people are to depend
solely on assistan e. Many venture to wor but
h be ause t e government hprofibits t em
h doing so, t e employment is irregular. A ter
h aving begged er usband to leave t e amp,
a mbt er I met ad been sending er ildren
to wor con onstru tion sites to pay t e
h rent in t eir new residen e. But stories soon
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deportations o individuals ba h to yria. e
h ask single ept t eh ildren at home. Anot er
man residing in t e outs irts o Amman ta es
w atever odd jobs eh an bethal oug t at
as sometimes meant e did not re eive is
due payment. ne k mot er brn e down wen
h he hunting ow er son eventually went ba
to kyria to wor hbe ause "t h e was not ing
or im ere". hoon a ter, " e was martyred".

Mobility is restrif ted in less ormal ways
too. Not everyone ta es advantage o t e
Jordanian government's generous poli y o
enrolling yrian ildren in publi sools,
sometimes be ause t ere is no easy mode
o transpotation or t eir ildren to get
t dre. Indeed, ig transportation osts
are a ommonly expressed grievan e,

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A Syrian family in their apartment in Ramtha, Jordan, February 2014.

heeping at night. I had to sleep with the children. Another day, I went to the market to buy some food. I stayed there for a while.

Another day, I went to the market to buy some food. I stayed there for a while. I was grateful to the Jordanians, so their impression of me was mixed. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not.

Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not.

Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not. Some are grateful to the Jordanians, some are not.

There are a lot of ceremonies. Social life and network are very important. In rarefied environments, feelings of comfort and security are derived from knowing many neighbours and relatives, and from living in the midst of the same customs and traditions. The refugees from the same village in Syria marry one another and bring children into the world. The woman shows the pictures from her daughter's wedding celebration held in Irbid; most of the 300 invited guests were of her relatives from her home town in Dara'a.

Some wedding shots were presented to me on a smartphone. The devices are lifelines to the outside world, and more importantly to inside Syria. News and updates stream in on the internet and daily casualties. It is little else to occupy people's time and much anxiety to fill their minds; these devices are consulted often and eagerly. A man in a Atari camp related to me how he learned his house was destroyed in Hama: a neighbour sent him a picture of the rubble on his mobile phone. He remained unaffected and was pouring me a glass of sweet tea while the other, raggedy, turned quotidian.

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May 2015

Refugee-state distrust on the Thai-Burma border

Karen Hargrave

Distrust between refugees and their state of origin must be given due consideration in institutional approaches to repatriation of refugees, on the Thai-Burma border and in other refugee contexts worldwide.

In 2011, following the installation of a nominally civilian government in Burma, local media began to report that Thai government officials were planning to repatriate the approximately 100,000 Burmese refugees housed in their territory. In 2015, four years after the end of the conflict, the continuing rumours of returning refugees to Burma have led to the Thai-Burma border being a place of distrust. This distrust has been a significant barrier to repatriation operations, namely, pervasive distrust of the Burmese government among refugees in exile.

A refugee Committee survey reported that 87% of refugees in the Nam Hin Kamp region of Burma expressed political and political distrust.¹ These findings suggest that institutions want to safeguard refugees, yet nonetheless wish to see that repatriation, more must be done than an ongoing crisis. Additionally, it must be that refugees want to return.

There are many reasons why refugees in Burma resist return, even given significant political change in Burma – better prospects in Thailand and the time spent in camp, however, and crucially, it is Burma's displaced persons who distrust the Burmese government, and the very nature of it is that distrust suggests that political life is not in itself sufficient to make refugees voluntarily choose to return.

Why take distrust seriously?

Distrust has been characterised as an attitude adopted by individuals as a rational response to risk, in particular providing a means to protect against the disastrous consequences of misplaced trust.² In the case of the refugee in exile, we see distrust towards a refugee's state of origin as a rational response to the risks involved in resuming dealings again with that state. However, an interesting feature of distrust is that, even if generated on a rational basis, it can take on non-rational features. In that, once adopted, distrustful attitudes become a lens through which all subsequent developments are interpreted; distrust itself by extension takes on a largely non-rational self-reinforcing tendency, rendering it a particularly difficult attitude to dislodge. This is especially so for refugees.

The United Nations High Commissioner for Refugees (UNHCR) published in 2012 a *Framework for Voluntary Repatriation: Key Principles for Myanmar in Thailand*.³ The received institutional encouragement to start repatriation was met by widespread scepticism, both from Burma's well-organised civil society and from international NGOs, who emphasised that conditions in Burma were not yet suitable for large-scale repatriation. UNHCR has since consistently affirmed that operations are currently possible only at a pre-planning stage and that the institutional standard of voluntariness will be safeguarded in any repatriation process.

It is this criterion of 'voluntariness', however, that becomes problematic. In 2013 a Karen

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h on t e ai-Burma border, undamental f distrust ul re ugee-state attitudes prior to ch politi all ange wit i R... itel be suffi ier... stimulate volunt... f among re ugees. Pa... requires us to dire tly... f address re ugees' distrust... a n... t at (w ere appropriate) t ey... substantial time and effort to renegoti...

patiationf e idea o building onfiden e... plies t at t e solution is simply to ma e... ugees suffi ierly aware o t e obje tive... ts d t e lasect roug re ommeded... tivities su as in ormation ampaigs, ... o-and-see visits and legal guarantees. ... however, t is o as ignores t e way in w i... distrust, as an attitude distik t rom la ing... onfiden e, pervasively affe ts t e way in... i t e ka ts' are li ely to be interpreted.

renegotiating distrust

o some extent, t is poli y defi it mig t be ex used by t e a t t at addressing t e omplek obsta le o distrust requires t e renegotiation o intensely personal attitudes – a learly momentous tas . However, t ere are some dire t strategies t at an be implemented to en ourage re ugees to re onsider t efr distrust o f eir state o origin. ile t ese efforts do not represent undamentally new approa es, t ey an gain new strategi importarf e as part o a on ertedf o us on re ugee-state distrust.

strategies in lude:

- c■ symboli renounhement by t e state f o origin o past rig ts violations, in incorporating chedress me anisms
- c■ introducing low-ris f annels o re ugee-state ooperation prior to repatriation (su f c as out-o - ountry voting)
- h■ establis ing a role or bodies already tusted by re ugees (or ex ample, re ugee ommittees) in return negotiations
- c■ providing annels for re ugees rom minority and previously perse utet ed ni h groups to ave genuine representation in f eir state o origin's government.³

I, as NHC suggest, we are still in a 'preparedness' p ase of a possible uture... t e ai-Burma border, ... ss ould in corporate steps to lay... d wor or renegotiating re ugee-... ust; voluntary repatriation may

et institutional repatriation framework s offer little dire t guidan e on managing t et... 'trust'... trust is... wit NHC... t are is no spe... state trust. c e more... Handbook on Repatriation... Activities also onains only t... o 'trust' but does as least situate t... terms o government (rebuilding trust in lo al f aut orities and publi institutions); owever, t ese mentions relate to reintgration rat er t an repatriation. NHC's approa appears to be t at trust ind e state be omes relevant on e h e re ugee as returned to er ountry o origin. ere is no dire t suggestion t at re ugee-state distrust mig t be a barrier to repatriation in itself and somet ing c wort y o nsideration prior to return.

Bot c NHC do uments do ontain some int tch t some su obsta le mig t exist... t is is ou ed in terms o 'onfiden e', not 'trust'. e 1996 *Repatriation Handbook* ma es twenty-two reren es to onfiden e building... re ugees in exile mig t – prior to return – develop onfiden e in t e situation in t eir ountry o origin and t eir uture treatment. In t e 2004 *Repatriation and Reintegration Handbook* t at frd o t e reeren es to f 'onfiden e building' onsider pre-return onfiden e building in t is sense.

However, t is o us on... c ails to em apulate t e om...

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It can be one possible, should further political reform render it a rights-respecting option.

...due to the ai-
...routinely o t is
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...so voluntariness
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...distrust as a...o operations.
Institutional a...the ognise t at by
endorsing voluntariness in repatriation, they
endorse t e important e o re ugees' own
f t oug ts, eelings and attitudes regarding
f t uture movements. e ugee-state
distrust has one o t ese attitudes, and

one that poses a significant obstacle to repatriation, thus deserves policymakers' acknowledgement and attention.

Karen Hargrave karen.hargrave@gmail.com
graduated in 2014 from the Master's in Refugee and Forced Migration Studies at Oxford University's Refugee Studies Centre; she is currently based on the Thai-Burma border as a research consultant.

1. Lee Awe E N (2013) 'e ugee survey – most do not want to go ba h to Burma', <http://arennews.org/2013/07/re-ugee-survey-most-do-not-want-to-go-ba-h-to-burma.html>
2. Lee Hardin (ed) (2004) *Distrust*, New or, ussell age Foundation (in parti ular, papers by ussell Hardin, oderi Kramer and Debora Larson).
3. Lee Hargrave K (2014) 'epatriation t oug a trust-based...ons on t e ai-Burma border and...No. 104...trust

Animals and forced migration

Piers Beirne and Caitlin Kelty-Huber

Harm to animals resulting from forced migration of people is intricately interwoven with and contingent upon the simultaneous suffering of humans.

For ed migration's arm...their are. e fnital time rame o
lives o non- uman...ement an be vague and un ertain,
'animals') tends to be...gaffe ted peoples to believe t ey are
ile an ex...g dependent animals or a manageable
hot ert an unt...d o time – only later to learn t at
t ere are many antropo ent...is orbidden, dangerous or impossible.
th onsider f e...ersely, many affe ted people are simply
on animals. ...owed to leave wit t eir animals

...unexpe ted disasters o ur, w en
generally a epted ategorisation o
animals by t eir utility to umans – as
'ompanion animal', livestock, wild animal,
and so on – s apes t e way in w i
particular spe ies are treated in a given
ulture and, t ere ore, an understanding o
ultural attitudes towards animals is needed
or an ex...of f e...o red c
...animals. e emotional toll
...plafed people, or instan e, is
...by t e sometimes unavoidable
...ent o companion animals and
...ed animals en masse. Affe ted
...ave little time and ew options
...g preparations or t e animalsc

Abandoned animals may be tied up or else le t inside yards, omes barns and en ed-in pastures, or t ey may be abandoned to roam on depopulated streets and in dereli buildings. et er in urban or rural lands apes, abandoned animals may be absorbed into or onstitute new eral animal populations. For all o t ese animals, deat is ormon by de ydration, starvation, disease and injury. Domesti ated animals may also be illd and eaten by starving displa ed people, espe ially in situations

May 2015

New Associate Professor: Dr Tom Scott-Smith

Dr Tom Scott-Smith has been appointed Associate Professor of Refugee Studies and Forced Migration at the Refugee Studies Centre, to start from September 2015. Dr Scott-Smith has been most recently at the University of Bristol,

where he was Lecturer in Politics at the School of Sociology, Politics and International Studies. His research examines humanitarian relief and its impact on the lives of refugees, with particular attention to the nutrition and shelter sectors.

2015 Annual Elizabeth Colson Lecture

Wednesday, 10 June 2015, 5pm, Oxford

Professor Miriam Ticktin (Associate Professor of Anthropology at The New School for Social Research and co-director of the Zolberg Institute on Migration and Mobility) will give this year's Annual Elizabeth

Colson Lecture, on 'Innocence: understanding a political concept'. For more details and to register, please visit www.rsc.ox.ac.uk/Colson2015

**Humanitarian Innovation Conference 2015
17-18 July 2015, Keble College, Oxford**

The RSC's Humanitarian Innovation Project will be hosting its 2015 Humanitarian Innovation Conference in partnership with the World Humanitarian Summit. The theme of this year's conference is 'Facilitating Innovation'. As interest and dialogue around humanitarian innovation continues to expand, conference participants are invited to explore the challenges of creating an enabling environment for humanitarian innovation. In the lead up to the World Humanitarian Summit, a key focus of the conference will explore how we enable innovation by and for affected communities. For more information, visit www.oxhip.org/2014/11/hip2015-cfp/

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FMR is wholly dependent on external funding to cover all of the project's costs, including staffing. We are deeply appreciative to all of the following donors for their support and collaboration.

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Building respectful solutions

Colleen Swan, Chief Albert P Naquin and Stanley Tom

Tribes in coastal Alaska and Louisiana in the United States are among the communities at immediate risk of displacement due to climate change impacts, such as sea-level rise and melting permafrost, as well as other human-induced environmental changes from socio-historical processes and unsustainable development. In the 1990s the people of Kivalina in Alaska began to notice a gradual change in the environmental conditions and weather patterns that resulted in changes to migration of wildlife, a decrease in sea ice and warmer temperatures. The people adapted and became more vigilant in their observations to avoid missing the hunting seasons. Thus began the community's discussions about global warming. However, while efforts to relocate the community are proactively being pursued by the community, no funding has been promised beyond the planning and design phase of the project.

Since the 1970s, the Traditional Council of Newtok, another village in Alaska, has continuously monitored the encroaching erosion of their land and has researched means of mitigation. The conclusion of these efforts was that the village must relocate, as there is no permanent and cost-effective alternative mitigation measure available for remaining at the current site. While relocation has begun, the Tribal Council has faced obstacles due to lack of policy mechanisms and funding barriers, and the full implementation of the relocation plan remains uncertain.

Similar experiences are occurring for tribes in southeast Louisiana. For example, the Isle de Jean Charles tribe inhabits an island which is shrinking and experiencing relative sea-level rise, increasing impacts from storms and hurricanes, and extreme environmental changes from unsustainable extractive practices. With no options left for in situ adaptation, and recognising the need to be proactive if they are to maintain their cultural sovereignty and bring their scattering community together, the Tribal Council began working on relocation. It has a plan in place for a sustainable, renewable

energy-driven community as a model for community-led relocation, and like Kivalina, has no funds or government support to do so.

While communities such as Kivalina, Newtok and Isle de Jean Charles have spent a generation or more working towards relocation, their efforts have been impeded at every step due in large part to a lack of institutional and governance structures to assist communities in their relocation. To move their efforts forward, with very limited resources, the tribal leaders have met with local, state and federal government representatives, have spoken at high-level forums and meetings, and have given interviews to media around the world.

As collaborations are formed¹ and processes are put in place to support communities with their relocation, it is imperative that the tribal and community leaders who have spent a generation and more working on such efforts are the ones guiding the process to help ensure that the communities' rights and cultural sovereignty are held intact. Incorporating diverse knowledge systems and ways of knowing including traditional decision-making processes have to be at the core of the entire relocation process. It needs to be done justly and respectfully, so as to not turn the co-production of planning and implementation into co-optation.

Colleen Swan swancolleen@gmail.com is the Project Coordinator for the Kivalina City Council. Chief Albert P Naquin whitebuffaloo@netscape.net is Chief of the Isle de Jean Charles Tribe and leads the Isle de Jean Charles Tribal Council. Stanley Tom stanley_tom2003@yahoo.com is the Tribal Administrator for the Newtok Traditional Council.

The authors acknowledge the support of Julie Maldonado, Robin Bronen and Kristina Peterson in the production of this article.

1. For example, the www.mmm.u.ar.edu.ar/risingsolutions is a community of Indigenous leaders, Indigenous and non-Indigenous environmental experts, students, and scientific professionals across the United States.

