

From the Nansen Principles to the Nansen Initiative

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The Nansen Initiative launched in October 2012 aims to build consensus among states about how best to address cross-border displacement in the context of sudden- and slow-onset disasters.

Among humanitarians and students of international law, Fridtjof Nansen is mainly remembered as the first High Commissioner for Refugees whose 'Nansen passport' provided a degree of international protection to scores of paperless refugees. A wider public knows him as the successful polar explorer.

During one daring expedition, from September 1893 to August 1896, Nansen sailed his ship, the *Fram*, into the ice pack off Siberia, trusting that a strong current carrying the polar ice westwards would allow him to cross the arctic region. His instincts were correct, and the expedition provided science with important new knowledge about oceanography and meteorology, contributing significantly to understanding the climate dynamics in one of the globe's most hostile environments. Nansen also became an accomplished and successful diplomat, able to translate humanitarian principles into action and convincing others to join him.

This unique legacy of humanitarianism, environmental studies and diplomacy inspired the name not only of the Nansen Principles but also of the Nansen Initiative launched by Norway and Switzerland in October 2012.

The Nansen Principles

The ten Nansen Principles, while not formally adopted, reflect the outcome of the Nansen Conference on Climate Change and Displacement in the 21st Century hosted by the government of Norway in Oslo in June 2011.¹ The Principles contain a broad set of recommendations "to guide responses to some of the urgent and complex challenges raised by displacement in the context of climate change and other environmental hazards" (Preamble).

Principle I highlights the need for a sound knowledge base to respond to climate and environmentally related displacement. Principles II – IV then set out the respective roles and responsibilities of relevant stakeholders. In accordance with international law generally, they recall that the primary responsibility to protect populations affected by climate change and other environmental hazards, including the displaced, hosting communities and those at risk of displacement, lies with states but that the challenges created by climate change, including those linked to human mobility, cannot effectively be addressed without the leadership and engagement of local governments and communities, civil society and the private sector. Where national capacity is limited, regional frameworks and international cooperation will be needed to help prevent displacement, assist and protect communities affected by such displacement, and find durable solutions. In this context, it is particularly important to strengthen prevention and build resilience in accordance with the principles enshrined in the Hyogo Framework²

(Principle V) and to build local and national capacity to prepare for and respond to disasters (Principle VI).

The Nansen Principles stress that existing norms of international law should be fully utilised and normative gaps addressed (Principle VII). Although for those displaced within their own country, the Guiding Principles on Internal Displacement provide a "sound legal framework", implementation is not possible without adequate national laws, policies and institutions (Principle VIII). At the same time, the Principles acknowledge the normative gap regarding the protection of people displaced across international borders owing to sudden-onset disasters and suggest the development by states working together with UNHCR of a guiding framework or instrument (Principle IX). The final Principle reiterates that all "policies and responses, including planned relocation, need to be implemented on the basis of non-discrimination, consent, empowerment, participation and partnerships with those directly affected, with due sensitivity to age, gender and diversity aspects", taking into account the voices of the displaced or those threatened with displacement (Principle X).

Onto the international agenda

The Nansen Principles are not a soft law instrument; rather, they outline in broad strokes a policy framework for addressing disaster-induced displacement by identifying key actors and relevant areas of activity. As such, they constitute an important step in the process of putting such displacement onto the international agenda.

After lobbying by the Heads of Organisations of the United Nations Inter-Agency Standing Committee, in December 2010 States Parties present at the Cancún Climate Change Conference adopted Paragraph 14(f) of the Outcome Agreement on Long-term Cooperative Action inviting states to augment action on climate change adaptation by undertaking, among other things, "[m]easures to enhance understanding, coordination and cooperation with regard to climate change-induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels."

This provision is important in several respects. For the first time, the international community recognises explicitly the humanitarian consequences of climate change-related population movements as an adaptation challenge. Second, displacement is expected to become part of national adaptation plans foreseen by the Outcome Agreement, thus providing an entry point for protection and assistance issues. This opens up the prospect that the Green Climate Fund, set up to finance adaptation measures, may support activities in the field of displacement occurring in the context of climate change.

Finally, the agreement recognises that efforts to address displacement need to be undertaken not only at the national but also regional and international levels, thus putting climate-related cross-border displacement as well as internal displacement on the international agenda.

Paragraph 14(f) does not, however, say how exactly climate change-induced displacement should be addressed. This is why UNHCR took the initiative to bring together a group of experts in February 2011 to discuss options for addressing climate-related displacement, internal as well as across borders.³ The June 2011 Nansen Conference was the next step which should have led to states making a commitment to address the issue at the December 2011 UNHCR Ministerial Meeting to commemorate the 60th and 50th Anniversaries of the UN Refugee and Statelessness Conventions respectively. However, the Ministerial Communiqué adopted on this occasion did not contain any direct reference to cross-border movements triggered by climate-related and other natural disasters. This was no accident but rather the expression of a lack of willingness by a majority of governments, whether from reasons of sovereignty, competing priorities or the lead role of UNHCR in the process.

The Nansen Initiative

To break this impasse, Norway and Switzerland pledged “to cooperate with interested states, UNHCR and other relevant actors with the aim of obtaining a better understanding of such cross-border movements ..., identifying best practices and developing consensus on how best to assist and protect the affected people.” Mexico made a similar pledge.

In October 2012 Norway and Switzerland then launched in Geneva and New York what they are calling the ‘Nansen Initiative’. This is conceived as a state-owned consultative process, outside the UN, to build consensus – in a bottom-up way – among interested states about how best to address cross-border displacement in the context of sudden- and slow-onset disasters. It will go beyond the Cancún Outcome Agreement insofar as it will look not only at climate-related but also at geophysical disasters.

The Initiative will start with a series of regional- or sub-regional consultation meetings in regions particularly affected by actual or expected disaster-induced cross-border displacements including the South Pacific, Central America and the Horn of Africa, bringing together governments from these regions and from countries of destination. The views of academics and relevant organisations dealing with humanitarian issues, development and climate change as well as representatives of affected populations will also be elicited. These consultations will build a sound knowledge base, with research to close gaps in knowledge and understanding, as well as identify areas of agreement or disagreement and provide input for consultations at the global level.

The Initiative, while focusing on the protection of people, will have a wider scope addressing issues of international cooperation and solidarity; standards for the treatment of affected people regarding admission, stay and their access to basic rights; and operational responses including funding mechanisms and responsibilities of international humanitarian and development actors.

It will focus on protection and assistance during displacement as well as the transition to longer-term solutions in the aftermath of a disaster but will also take into account the challenges for preparedness before displacement occurs. While the Initiative focuses on the needs of persons displaced across borders, it will also highlight the two-way linkages with related issues such as disaster risk reduction, internal displacement or the management of migration as an adaptation measure.

The outcome of this three-year long process will be a Protection Agenda that is expected to:

- present a common understanding among participating governments of the issue, its dimensions and the challenges faced by relevant stakeholders
- identify good practices and tools for the protection of persons displaced across borders in the context of natural disasters
- agree on key principles that should guide states and other relevant stakeholders in the three areas of inter-state/international cooperation, standards of protection of displaced people, and operational responses
- make recommendations on the respective roles and responsibilities of relevant actors and stakeholders
- propose an action plan for follow-up, identifying further normative, institutional and operational developments needed at national, regional and international levels.

In organisational terms, the Nansen Initiative will be driven by a small Steering Group, chaired by Norway and Switzerland and consisting of a small group of states from both the global North and the global South. Thus far, Australia, Costa Rica, Kenya, Mexico and the Philippines have joined the Steering Committee, and UNHCR, IOM and the Norwegian Refugee Council will play active roles. Intellectual underpinning for the Initiative will be provided by a Consultative Committee made up of representatives from international organisations and agencies as well as researchers, think tanks and academic institutions that can inform and support the process with their experience. Finally, it will be supported by a small secretariat and an Envoy of the Chair who will represent the initiative in relevant fora. Activities will start in early 2013.

It is hoped that this soft, state-driven and bottom-up approach will help to develop the “more coherent and consistent approach at the international level [...] to meet the protection needs of people displaced” across borders in the context of natural disasters and help the international community to develop an effective normative and institutional framework in this regard, as called for by Nansen Principle IX.

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1. Nansen Principles at www.regjeringen.no/upload/UD/Vedlegg/Hum/nansen_prinsipper.pdf
See also www.nansenconference.no

2. Hyogo Framework for Action 2005-2015: Building Resilience of Nations and Communities to Disaster.

www.unisdr.org/2005/wcdr/intergov/official-doc/L-docs/Hyogo-framework-for-action-english.pdf
3. Report at www.unhcr.org/4da2b5e19.pdf